

CHAPTER 23 – GENERAL LICENSING REGULATIONS

Section 23-001. APPLICABILITY. The provisions of these Sections shall apply to the application for any issuance and revocation of licenses in the City except as may otherwise be specifically provided in the ordinances pertaining to particular licenses.

Section 23-002. APPLICATION FOR LICENSES. Application for licenses shall be made in writing to the Clerk for presentation to the Council. Such applications shall specify the following:

- a. Name and residence of the applicant(s) and if a corporation, the registered office thereof.
- b. The name and address of the location or place of business or activity for which the license is requested, or in the case of occupational licenses, the location from which the applicant operates.
- c. Such additional information or documents as the ordinance or administrative regulations may require from the applicant.

Section 23-003. REVIEW PRIOR TO COUNCIL ACTIONS. Prior to submitting the application to the Council for approval, the Clerk shall submit the application to the appropriate municipal officer for review and comment. Said official shall assure that all ordinance requirements have been complied with, and shall furnish the Council with such additional information as may be deemed appropriate or as requested. In addition, the officer shall recommend approval or disapproval of the application, and shall when recommending disapproval, furnish the Council in writing his or her reasons therefor. The City Clerk or his/her designee is empowered to conduct any and all investigations to verify the information on the application except as provided in Section 23-003.5.

Section 23-003.5. LICENSE BACKGROUND CHECKS; Applicants for City Licenses

Subdivision 1. Purpose. The purpose and intent of this Section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

Subdivision 2. Criminal History License Background Investigations. The Brooklyn Center Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the city:

Tobacco Sales, Sections 23-101 through 23-108

Pawnbrokers, Sections 23-601 through 23-630

Secondhand Goods Dealers, Sections 23-650 through 23-678

Taxicabs, Sections 23-701 through 23-712

Saunas or Sauna Baths, Sections 23-1600 through 23-1615

Massage Parlors, Sections 23-1700 through 23-1720

Rap Parlors, Conversation Parlors, Adult Encounter Groups, Adult Sensitivity Groups, Escort Services, Model Services, Dating Services or Hostess Services, Sections 23-1800 through 23-1815

Charitable Gambling, Sections 23-1900 through 23-1904

Currency Exchanges, Section 23-2201 through 23-2205

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Manager, or other city staff involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes, Chapter 13, regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes, Section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor for which a jail sentence may be imposed. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- a. The grounds and reasons for the denial.
- b. The applicant complaint and grievance procedure set forth in Minnesota Statutes, Section 364.06.
- c. The earliest date the applicant may reapply for the license.
- d. That all competent evidence of rehabilitation will be considered upon reapplication.

Section 23-004. NOTICE TO APPLICANT. In the event disapproval of an application is recommended or in the event the Council disapproves or materially qualifies the license, the Clerk shall notify the applicant of:

- a. The nature of the recommendation or action.
- b. The time and place at which the Council will next consider application.
- c. The applicant's right to appear before the Council in support of the application.

Section 23-005. COUNCIL ACTION. The application shall be submitted to the Council for consideration within a reasonable period following submission to the Clerk.

Section 23-006. SUSPENSION: REVOCATION. The Council may suspend or revoke any license issued pursuant to the ordinances if the Council finds that any of the following ever occur; provided, however, that the licensee shall be given notice of the proposed revocation or suspension and be provided an opportunity to appear before the Council and be heard:

1. That the licensee has knowingly made false statements in or regarding his application.

2. That the licensee or his agents have violated or failed to comply with ordinance provisions, statutes, or legal directives pertaining to the regulation of activities authorized by the license.
3. That the licensee has failed to correct or remove, within a reasonable period, ordinance violations after receipt of notice to do so.
4. That the continued effectiveness of the license constitutes a substantial threat to the public peace, health, safety or welfare.
5. That the license was mistakenly issued or renewed to a person or for a premises that is ineligible for the license.

Section 23-006.05. PAYMENT OF PROPERTY TAXES REQUIRED. No license shall be granted or renewed for tobacco related products; bowling alleys; public dancing; filling stations; pawnbrokers; secondhand goods dealers; motor vehicle dealerships; saunas and sauna baths; massage parlors; rap parlors, conversation parlors, adult encounter groups, adult sensitivity groups, escort services, model services, dancing services, or hostess services; hospitality accommodations; or amusement devices for operation on any property on which taxes, assessments, or other financial claims of the state, county, school district, or city are due, delinquent, or unpaid. In the event a suit has been commenced under Minnesota Statutes, Section 278.01 through 278.03, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one (1) year after becoming due.

Section 23-007. ISSUANCE. Upon approval of the application by the Council, the Clerk shall issue a license to the applicant, stating thereon the name and address of the premises and the activity licensed. The applicant shall so display the license so as to be easily observable by the public, or as required by the specific ordinances requiring the license.

Section 23-008. CERTIFICATE OF OCCUPANCY REQUIRED. When a Certificate of Occupancy is required by Chapter 3 of the Ordinances for the conduct of activities for which a municipal license is required, the required license shall not be valid until said Certificate has been issued by the Building Inspector.

Section 23-009. LICENSES-NONTRANSFERABLE, NO REFUND. Unless otherwise provided by the ordinance requiring a license, a license is nontransferable, and the licensee shall not be entitled to a refund of any license fee upon revocation or voluntarily ceasing to carry on the licensed activity. However, in the event of Council denial of the application, the fee shall be refunded.

Section 23-010. LICENSE FEES. The fees for the various licenses shall be as set forth by City Council resolution.

Section 23-011. FEES PRORATED. Except for intoxicating liquor the fee for initial licenses granted after the expiration date, set forth by City Council resolution, shall be prorated on a monthly basis, with the fee required being in the same proportion to the annual fee as the unexpired term of the license stands to the full license period, but in no instance shall the prorated fee be less than \$5.

Section 23-012. LATE FEES.

23-012.01. All licenses shall be renewed annually prior to the expiration date set forth by City Council resolution. In the event the applicant fails to renew his license before it expires, a fee of 15 percent of the annual license fee for each week or portion thereof that the renewal is overdue shall be added to the license fee, to a maximum of 45 percent of the annual fee; provided, however, that the penalty clause shall not apply to construction licenses.

23-012.02. If an application for license renewal is not submitted within 21 days after expiration of the current license, the licensee shall cease the previously licensed activity. Continued activity after the 21 day period shall be an ordinance violation, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Each day of such activity shall constitute a separate ordinance violation.

Section 23-013. SUPREMACY CLAUSE. Any conflict between the Sections 23-001 through 23-012 and other provisions of the ordinance shall be resolved in favor of Sections 23-001 – 23-012 of this Chapter.

Section 23-014 SEVERABILITY. If any Section or provision of the Chapter is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other Section or provision that can be given force and effect without the invalidated Section or provision.

TOBACCO RELATED PRODUCTS

Section 23-101. LICENSE REQUIRED. No person shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispense any covered product at any place in the city of Brooklyn Center unless a license therefor shall first have been obtained as provided in Sections 23-101 through 23-108.

Section 23-102. DEFINITIONS. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of Sections 23-101 through 23-108, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. “*Cigar*” means any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minnesota Statutes, Section 297F.01, Subdivision 3, as amended from time to time.
2. “*Compliance checks*” means the system the City uses to investigate and ensure that those authorized to sell covered products are following and complying with the requirements of Sections 23-101 through 23-108. Compliance checks shall involve the use of persons under the age of 21 as authorized by Sections 23-101 through 23-108. Compliance checks shall also mean the use of persons under the age of 21 who attempt to purchase covered products for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to covered products.
3. “*Covered products*” means any tobacco, tobacco-related device, electronic delivery device, e-liquid, or nicotine or lobelia delivery product as those terms are defined in this section.
4. “*Electronic delivery device*” shall mean an electronic product that is designed to use, or that uses, e-liquid to simulate smoking in the delivery of nicotine or any other substance through inhalation of the aerosol or vapor produced from the substance. Electronic delivery devices shall include any component part of such a product whether or not sold separately. Electronic delivery devices shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.
5. “*E-liquid*” means any liquid intended for human consumption through an electronic delivery device used to simulate smoking in the delivery of

nicotine, lobelia, or a product containing the taste or smell related to chocolate, cocoa, mint, menthol, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverages, herb, or spice through inhalation of the aerosol or vapor produced from the liquid. E-liquid shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales of use in tobacco cessation treatment or other medical purposes. And is being marketed and sold solely for that approved purpose.

6. *“Individually packaged”* means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually-wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single cigars, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually packaged.
7. *“Indoor area”* means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.
8. *“Loosies”* means the common term used to refer to a single or individually-packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term loosies does not include an individual premium cigar, as defined in Minnesota Statutes, Section 297F.01, Subdivision 13a, and as amended from time to time, that can be sold by a licensed retailer as a single cigar to the extent permitted by all applicable state and federal laws.
9. *“Moveable place of business”* means any form of business operated out of a truck, van, automobile or other type of vehicle or transportable shelter and not a fixed-address storefront or other permanent type of structure authorized for sales transactions.
10. *“Nicotine or lobelia delivery product”* means any product containing or delivering nicotine, including any synthetic variation thereof, or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation or for other medical purposes, and is being marketed and sold solely for that approved purpose.

11. *“Retail establishment”* means any place of business where covered products are available for sale to the general public. The term shall include, but is not limited to, grocery stores, convenience stores, restaurants, and drug stores.
12. *“Sale”* means any transfer of goods for money, trade, barter or other consideration.
13. *“Self-service merchandising”* means open displays of covered products in any manner where any person shall have access to the covered products without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the covered products between the customer and the licensee or employee. Self-service sales are interpreted as being any sale where there is not an actual physical exchange of the covered product between the clerk and the customer.
14. *“Smoking”* shall mean the inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or tobacco product, or inhaling or exhaling vapor from any electronic delivery device. Smoking shall include carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.
15. *“Tobacco or tobacco products”* means and includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
16. *“Tobacco-related devices”* means and includes any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner that enables the chewing, sniffing or smoking of tobacco or tobacco products including electronic delivery devices. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
17. *“Vending machine”* means any mechanical, electric or electronic, or other type of device that dispenses tobacco, tobacco products or tobacco-related

devices upon the insertion of money, tokens or other form of payment directly into the machine by the person seeking to purchase the covered product.

Section 23-103. LICENSE REQUIRED.

1. *Generally.* No person may directly or indirectly or by means of any device keep for retail sale, sell at retail, offer to sell or otherwise dispose of any covered product at any place in the city unless a license has first been issued by the City as provided in this Section.
2. *Application.* An application for a license to sell covered products shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses, and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary.
3. *Action.* Upon receipt of a completed application, the City Clerk shall forward the application to the police department for investigation. The police department shall conduct an investigation of the applicant and application regarding the fitness of the applicant to hold a license pursuant to the standards set forth in Sections 23-101 through 23-108, and report the results of its investigation to the City Clerk within 30 days of receipt of the application. The City Clerk shall forward the application for consideration by the City Council.
4. *Fees.* No application for a license under Sections 23-101 through 23-108 shall be accepted until the appropriate license or investigation fee is paid in full. The fee(s) shall be established by the City Council by resolution from time to time.
5. *Sanctions for violation.* Sanctions for violating a provision of Section 23-101 through 23-108 shall be set by the City Council at the penalty phase and shall not be less than state mandated guidelines.
6. *Transfers.* All licenses issued under Sections 23-101 through 23-108 shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued.
7. *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed-location businesses shall be eligible to be licensed under Sections 23-101 through 23-108.
8. *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

9. *Term and Renewals.* Every such license shall expire on December 31 next after its issuance. A fee for the renewal of any license issued under Sections 23-101 through 23-108 shall be paid to the City Clerk with the renewal application. Applications for renewal must be submitted by November 30 of the year prior to the license year.
10. *Issuance is a privilege and not a right.* The issuance of a license is a privilege and does not entitle the holder to an automatic renewal of the license.
11. *Maximum number of licenses.* The maximum number of licenses issued by the City in any year is limited to 15, except that any licensee holding a valid license as of October 1, 2018 is permitted to retain and renew said license. If the maximum number of licenses has already been issued, a licensee that allows its license to expire or has its license revoked shall not be eligible for a new license. Persons desiring to apply for a license may be placed on a waiting list and be eligible to apply on a first-come, first-serve basis once the number of issued licenses falls below the maximum number allowed. Notwithstanding the maximum number of allowed licenses, an applicant who purchases a business location holding a current license shall be allowed to apply for and obtain, if eligible, a new license for the business location provided it is obtained within the same license year as the current license.
12. *Instructional Program.* All licensees shall ensure that all employees engaged with customers at the point of sale go through a training program on the legal requirements relating to the sale of covered products and the possible consequences for violations. Any training program must be pre-approved by the City. Licensees must maintain and provide to the City documentation demonstrating compliance at the time of renewal, or whenever requested during the license term.

Section 23-104. RESTRICTIONS.

1. The following shall be grounds for denying the issuance of or renewal of a license under Sections 23-101 through 23-108.
 - a. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to covered products, or has had a license to sell covered products revoked or suspended within the past five years.
 - b. The applicant fails to provide any information required on the application, or provides false or misleading information.
2. No license may be issued or renewed:
 - a. To any applicant who is under 21 years of age.
 - b. To any applicant who is prohibited by federal, state, or other local law, ordinance, or regulation from holding such a license.
 - c. To any applicant who has fees or charges to the City or the County that are due and unpaid.
 - d. For any premises for which property taxes or City utility charges are due and unpaid.

Section 23-105. PROHIBITED SALES.

1. It shall be a violation of Sections 23-101 through 23-108 for any person to sell or offer to sell any covered product:
 - a. By a vending machine;
 - b. By self-service displays;
 - c. By means of loosies;
 - d. Containing opium, morphine, jimsonweed, belladonna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process; or
 - e. To any other person, in any other manner or form prohibited by federal

or state law or regulation, or by local ordinance.

2. No person shall sell any covered product to any person under the age of 21.
 - a. Age verification. Licensees must verify by means of government-issued photographic identification that the purchaser of the covered product is at least 21 years of age. That the person appeared to be old enough to lawfully purchase a covered product does not constitute a defense to a violation of this Section.
 - b. Signage. Notice of the legal sales age and age verification requirement must be posted at each location where covered products are offered for sale. The required signage, which will be provided to the licensee by the City, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase of covered products.
3. No person shall sell or offer for sale any electronic delivery device or e-liquid to any person unless the sale is on the premises of a retail establishment that:
 - a. Prohibits persons under the age of 21 from entering at all times; and
 - b. Derives at least 90 percent of its revenues from the sale of covered products. Any retail establishment that sells electronic delivery devices or e-liquids must provide to the City upon request financial records that document annual sales.
4. It shall be a violation of Sections 23-101 through 23-108 for any retail establishment to sell, offer for sale, or distribute a single cigar unless the cigar is sold in an original package of at least five cigars, provided that:
 - a. This restriction shall not apply to any sale, offer to sell, or distribution of a single cigar that has a retail sales price of no less than \$2.10 before sales tax.
 - b. Cigars to which price promotions or discounts apply shall not be excluded from this restriction.

Section 23-106. SMOKING PROHIBITED. Smoking shall not be permitted in, and no person shall smoke in, any licensed premises. Smoking in any licensed premises for the purpose of sampling a covered product is prohibited under this Section.

Section 23-107. COMPLIANCE CHECKS AND INSPECTIONS. All licensed premises shall be open to inspection by the City police or other authorized City official during regular business hours. From time to time, but at least twice per year, the City shall conduct compliance checks by engaging with the written person over the age of 15 years but less than 21 years to enter the licensed premise to attempt to purchase covered products. Persons under the age of 21 used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel. No person used in compliance checks shall attempt to use a false identification misrepresenting the person's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which the person is asked.

Section 23-108. VIOLATION AND PENALTY.

1. *Licensees responsible.* All licensees are responsible for the actions of their employees in regard to the sale of covered products on the licensed premises and the sale of a covered product by an employee shall be considered a sale by the licensee for the purposes of constituting a license violation under this Section.
2. *Misdemeanor prosecution.* Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of Sections 23-101 through 23-108.
3. *Administrative penalties.*
 - a) *Licensees..* If a licensee or employee of a licensee sells covered products to a person under the age of 21 years, or violates any other provision of Sections 23-101 through 23-108, the licensee shall be charged an administrative penalty of \$200. An administrative penalty of \$500 shall be imposed for a second violation at the same location within 24 months after the initial violation. For a third or subsequent violation at the same location within 24 months after the initial violation, an administrative penalty of \$750 shall be imposed, and the licensee's authority to sell tobacco at that location shall be suspended for not less than 30 days. Upon a fourth violation, the license will be revoked.
 - b) *Other individuals.* Other individuals, found to be in violation of Sections 23-101 through 23-108 shall be charged an administrative fine of \$50.00.

- c) *Statutory penalties.* If the administrative penalties authorized to be imposed by Minnesota Statutes, Section 461.12, as it may be amended from time to time, differ from those established in this Section, then the more severe penalty shall prevail.
- 4. *License revocation, suspension, or non-renewal.* In addition to misdemeanor prosecution and administrative penalties, violation of Section 23-101 through 23-108 is grounds for revocation or suspension under Section 23-006 or non-renewal under Section 23-104.

BOWLING ALLEYS

Section 23-209. BOWLING ALLEYS.

Section 23-209.01. LICENSE REQUIRED. No person shall own or operate in the City of Brooklyn Center any bowling alley which is to be used by the public until and unless such person shall have made application for, and received, a license from the City Council for the operation of such an establishment.

Section 23-209.02. CONTENT OF LICENSE APPLICATION. An applicant for such a license shall state in writing the name and address of the owner or owners of the property in which the bowling alley is located, the name and address of the person or persons who intend to operate the bowling alley, the location of the bowling alley and a general description thereof. Said application shall be accompanied by the required license fee.

Section 23-209.03. CONDITIONS OF LICENSING. If the City Council shall find that the owners and operators of the bowling alley are persons of good moral character and that the operation of the bowling alley will be carried on in conformity with all the laws and ordinances applicable thereto, then it may grant such a license which will expire on December 31 next following.

Section 23-209.04. LICENSE FEE. The annual fee for each bowling alley or lane located in the property described in the application shall be as set forth by City Council resolution.

Section 23-209.05. SUSPENSION AND REVOCATION. If an owner or operator shall be convicted of any violation of any of the ordinances of the City of Brooklyn Center or laws of the State of Minnesota in connection with the operation of said bowling alley, the City Council may revoke said license or cause the same to be suspended for a time to be determined by the Council.

Section 23-209.06. PENALTY. Any person who shall own or operate any bowling alley as herein described without being licensed under the provisions of this ordinance shall upon conviction therefore be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

PUBLIC DANCING

Section 23-301. LICENSE REQUIRED. No person shall conduct or permit public dancing in any public establishment within which intoxicating liquor or 3.2 percent malt liquor is licensed to be sold or consumed unless a public dance license shall have been issued by the City Council. Licenses shall be issued for one (1) year periods expiring December 31. The annual fee for a public dance license shall be as set forth by City Council resolution.

Section 23-302. APPLICATIONS FOR LICENSE. Applications for a public dance license shall be made to the City Clerk upon forms furnished by the City. The application shall include a drawing illustrating the area of the premises to be devoted to public dancing and a written statement describing the maximum dancers to be accommodated, the hours during which public dancing will be conducted, and the intended methods of controlling sound emissions from the licensed premises.

Section 23-303. PENALTY. Any person violating the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

FILLING STATIONS

Section 23-401. FILLING STATION DEFINED. The words "filling station" as used in this ordinance are hereby defined as any building, structure or premises, enclosure or other place within the City where a container or tank (either portable or stationary) containing either carbon bisulphide, gasoline, naptha, benzole, hydrocarbon (gas drips), liquefied petroleum gas, acetone, kerosene, turpentine, or other inflammable liquids, having a flash point below 165 degrees Fahrenheit, are kept or located for the purpose of selling, offering for sale, or distributing any such liquids from such containers, or tanks; provided, however, that the provisions of this ordinance shall not apply to any place where such inflammable liquids are kept or sold for medicinal purposes only.

Section 23-402. LICENSE REQUIRED. No person, firm, or corporation shall manage, conduct, operate or carry on the business of a filling station without first having obtained a license therefore from the Council, as hereinafter provided.

Section 23-403. APPLICATION. Application for a license for conducting a filling station business shall be made to the Clerk and shall specify the location of the building and premises on which it is proposed to keep such filling station, and the capacity of each container or tank. Each application shall be approved by the Fire Marshal before a license is issued.

Section 23-404. LICENSE FEE. The annual fee for each filling station license shall be as set forth by City Council resolution and shall be paid to the Clerk with the application for the license. The annual fee for the storage of such liquids as described in Section 23-401, including the selling and dispensing the same by any other method than by pumps, shall also be as set forth by City Council resolution.

Section 23-405. LICENSE PERIOD. All licenses issued under the provisions of this ordinance shall expire on the 31st day of December following the date of issue.

Section 23-406. GENERAL REGULATIONS - INSPECTION. Each filling station shall be conducted and maintained in accordance with the provisions of the ordinances of the City. Each filling station shall be inspected at least twice in every year by the Fire Chief or some person authorized by him to make such inspection. It shall be the duty of the person making such inspection to see that the premises are maintained in compliance with this and other ordinances of the City, to see that there is no dangerous accumulation of waste or other combustible material on the premises, and to report to the Mayor or Council any violation of ordinance which may be discovered during such inspections.

Section 23-407. CURB STATIONS PROHIBITED, REMOVAL. No filling station shall operate on any street, sidewalk or public ground for the purpose of supplying any motor fuel to vehicles or for any other purpose; and every station shall be so arranged that no part of any vehicle shall be on any public property when receiving any such service as aforesaid. Any station whose operations at the time of the adoption of this ordinance do not conform to the provisions hereof, upon being served a written notice by direction of the Council, shall within thirty (30) days thereafter arrange the same to conform hereto.

Section 23-408. TRANSFER OF LICENSE. No license granted hereunder shall be assigned or transferred to any other person, firm or corporation, nor shall any such license authorized doing business on any other premises than those designated in the application for such license.

Section 23-409. LOCATION NEAR SCHOOLS OR OTHER PLACES OF PUBLIC ASSEMBLY. No filling station shall be located within 200 feet of any school, church, theatre or other place of public assembly, except that filling stations which are in operation at the time of the adoption of this ordinance shall be exempt from this Section.

Section 23-410. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution, for each offense; and every day that such violation shall occur shall constitute a separate and distinct offense.

BICYCLES

Section 23-506. OPERATION OF BICYCLES.

- a. No person shall ride or propel a bicycle upon any public street, highway, boulevard, sidewalk or alley except in a careful and prudent manner. A person propelling a bicycle shall not ride other than astride a permanent or regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped. No person riding upon any bicycle shall attach the same or himself to any vehicle upon a roadway.
- b. No bicycle shall be ridden upon any public street, highway, boulevard, sidewalk or alley at a speed faster than is reasonable and proper under traffic conditions at the time, and every bicycle shall be operated with due regard to the safety of the operator and other persons upon the streets, highways, boulevards, sidewalks, and alleys of the City.
- c. No bicycle shall be operated on any street, highway, boulevard, sidewalk or alley during any period of time from one-half hour after sunset to one-half hour before sunrise without a headlight in good working condition. Such headlight shall display a white light of sufficient illuminating power under normal atmospheric conditions to reveal any persons, vehicles or substantial objects fifty (50) feet ahead of headlight, which headlight shall be firmly attached to said bicycle and properly lighted, nor shall any bicycle be so operated or parked without an adequate lighted red tail light or in lieu thereof an adequate reflector attached to and visible from the rear of such bicycle from a distance of not less than two hundred (200) feet.
- d. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100 feet), except that a bicycle shall not be equipped with nor shall persons use upon a bicycle any siren or whistle.
- e. No person shall operate a bicycle upon any public street, highway, boulevard, sidewalk or alley unless the bicycle is in good mechanical condition and equipped with adequate brakes.

Section 23-507. BICYCLE RENTALS. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license tag is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required in this ordinance.

Section 23-508. PENALTY. Any person who shall violate the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000) or ninety (90) days in the County jail of Hennepin County or both, together with the costs of prosecution. The Court may also, after conviction, remove and detain the license tag from the bicycle owned by the person convicted for a period not to exceed thirty (30) days, or may both remove and detain said tag for a period not to exceed thirty days and impound said bicycle for a period not to exceed thirty (30) days.

PAWNBROKERS

Purpose. The City Council finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The City Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The City Council further finds that the pawn industry has outgrown the City's current ability to effectively or efficiently identify criminal activity related to pawnshops. The purpose of this Section is to prevent pawn businesses from being used as facilities for the commission of crimes and to assure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

To help the City better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this Section also implements and establishes the required use of the Automated Pawn System (APS).

Section 23-601. DEFINITIONS. For the purpose of Sections 23-601 through 23-630, the terms defined in this Section have the meanings given them.

- a. Pawnbroker. Any natural person, partnership or corporation, either as principal, or agent or employee thereof, who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property, or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker's business includes buying personal property previously used, rented or leased, or selling it on consignment, the provisions of this Section shall be applicable.
- b. Reportable Transaction. Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:
 1. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.

2. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.
- c. Billable Transaction. Every reportable transaction conducted by a pawnbroker is a billable transaction except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions, and confiscations.

Section 23-602. LICENSE REQUIRED. No person may engage in the business of a pawnbroker without first having obtained a license.

Subdivision 1. Separate Licenses Required: A pawnbroker may not conduct, operate, or engage in the business of secondhand goods dealer, as defined in Section 23-650, without having obtained a secondhand goods dealer license in addition to a pawnbroker license.

Section 23-603. LICENSE FEE.

Subdivision 1. The annual fee for a pawnbroker shall be set by the City Council by resolution.

Subdivision 2. In addition to the annual license fee, a billable transaction fee shall be imposed on each transaction.

- a. The billable transaction fee shall reflect the cost of processing transactions and other related regulatory expenses as determined by the City Council and shall be reviewed and adjusted, if necessary, every six (6) months. Licensees shall be notified in writing thirty (30) days before any adjustment is implemented.
- b. Billable transaction fees shall be billed monthly and are due and payable within thirty (30) days. Failure to do so is a violation of this Section.

Subdivision 3. In addition to the annual fee, the City Council may establish, by resolution, an investigation fee to be paid upon initial application and upon any change in ownership. Change in ownership shall include, in the case of a partnership, a change in identity of any partner and in the case of a corporation, a change in ownership of more than five percent of shares.

Section 23-604. APPLICATION.

Subdivision 1. Contents: A license applicant must complete an application form provided by the City Manager's designee. The application must be in a form and request information of the applicant as determined by the City Manager's designee.

Subdivision 2. Execution: If the applicant is a natural person, the application must be signed and sworn by the person; if a corporation, by an agent authorized to sign; if a partnership, by a partner.

Subdivision 3. Fees: A non-refundable investigation fee as set by City Council resolution must be paid in full before an application for a new license is accepted. The initial license fee shall be paid in full with cash, or certified or cashier's check, before the license is issued. Renewal license fees shall be paid in full at the time of application for renewal. The annual license fee will be returned to the applicant if the application is rejected or denied. The investigation fee may be paid with a personal check.

Subdivision 4. False Statements: It is unlawful to knowingly make a false statement in the license application. In addition to all other penalties, the license may be subsequently revoked by the City Council for violation of this Section.

Section 23-605. BOND. A pawnbroker license will not be issued unless the applicant files with the City Clerk a bond with corporate surety, cash, or a United States government bond in the amount of \$10,000. The bond must be conditioned on the licensee obeying the laws and ordinances governing the licensed business and paying all fees, taxes, penalties and other charges associated with the business.

The bond must provide that it is forfeited to the City upon violation of law or ordinance. Such bond shall be maintained so long as the pawnbroker does business, and shall be for the benefit of the City or any person who shall suffer any damage through the act of such pawnbroker and shall not be terminable without the bond company giving written notice thirty (30) days in advance of termination to the City Clerk.

Section 23-606. SITE PLAN.

Subdivision 1. The application for a pawnbroker license must be accompanied by a site plan drawn to scale. The site plan must contain:

- a. A legal description of the property upon which the proposed license premises is situated.
- b. A survey.
- c. The exact location of the license premises on the property, customer and employee parking areas, access onto the property, and entrances into the premises.

- d. The location of any church, school, day care center, hospital, on-sale liquor establishment, halfway house, currency exchange operation, theater, residence, secondhand goods dealer, tattoo establishment, body piercing establishment, or massage parlor within 300 feet of any portion of the premises occupied by the applicant.
- e. A floor plan of the license premises.

Subdivision 2. BUSINESS AT ONLY ONE PLACE. A license under this Section authorizes the licensee to carry on its business only at the permanent place of business designated in the license. However, upon written request, the City Manager's designee may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with Section 23-627. All provisions of this Section regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the City Code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises that extends for more than six (6) months.

Section 23-607. INVESTIGATIONS.

Subdivision 1. Conduct: The City, prior to granting of an initial or renewed pawnbroker license, must conduct a background and financial investigation of the applicant. Any person having a beneficial interest in the license must be investigated. The City Manager's designee shall cause to be made such investigation of the information requested in this ordinance and shall make a written recommendation and report to the City Council. The City Manager's designee must verify the facts stated in the application and must report all convicted violations of state, federal or municipal law involving the applicant, interested persons, or the unlicensed premises while under the applicant's proprietorship.

Subdivision 2. At the time of each original application for a license, the applicant shall pay in full an investigation fee, in an amount set by City Council resolution. All investigation fees are nonrefundable.

Subdivision 3. At any time that an additional investigation is required because of a license renewal, a change in ownership or control of the licensee or because of an enlargement, alteration, or extension of premises previously licensed, the licensee shall pay an investigation fee in an amount set by City Council resolution.

All investigation fees are nonrefundable. The investigation fee shall accompany the application.

Section 23-608. GRANTING OF THE LICENSE. After review of the license application and investigation report, the City Council may grant or refuse, for one or more of the reasons set forth in Section 23-625, the application for a new or renewed pawnbroker license. A license will not be effective unless the application fee and bond have been filed with the City Manager's designee.

Section 23-609. PERSONS INELIGIBLE FOR LICENSE.

Subdivision 1. A pawnbroker license will not be issued to:

- a. A person who is not a citizen of the United States or a resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information;
- b. A person under 18 years of age;
- c. Subject to the provision of law, a person who has been convicted of any state or federal law relating to receiving stolen property, sale of stolen property or controlled substance, burglary, robbery, theft, damage or trespass to property, operation of a business, or any law or ordinance regulating the business of pawnbrokers or secondhand goods dealers;
- d. A person who within five (5) years of the license application date had a pawnbroker or secondhand goods dealer license revoked;
- e. A person who the City Council determines not to be of sufficient good moral character or repute;
- f. If the City Council determines, after investigation and public hearing, that the issuance of or the renewal of the license would adversely affect public health, safety or welfare.

Section 23-610. PLACES INELIGIBLE FOR LICENSES. A license will not be issued or renewed under this Section for any place or for any business:

- a. If the premises is located within 300 feet of, or in the same building as, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses: a school, day care center, church, hospital, on-sale liquor establishment, halfway house, currency exchange operation, theater, residence, secondhand goods dealer, tattoo establishment, body piercing establishment, massage parlor, sauna, or another pawnshop; provided however, that a pawnshop and a secondhand goods dealer may occupy a single licensed premises in common if both activities are licensed for that premises;

- b. Where operation of a licensed premises would violate zoning ordinances;
- c. Where the applicant's present license was issued conditioned upon the applicant making specified improvements to the licensed premises or the property of the licensed premises which improvements have not been completed or;
- d. Established as a pawnshop after April 2, 1996, which is within ten (10) driving miles of any gambling casino.

Section 23-611. LICENSE LIMITATIONS. A license will be issued to the applicant only and only for the business premises as described in the application. The license is effective only for the premises specified in the approved license application.

Section 23-612. TERMS; EXPIRATION; PRO RATA FEE. The license is issued for a period of one (1) year beginning on January 1 except that if the application is made during the license year, a license may be issued for the remainder of the license year for a monthly pro rata fee. The unexpired fraction of a month will be counted as a complete month. The license expires on December 31.

Section 23-613. LICENSE REFUND. The City Council may, in its judgment, refund a pro rata share of the license to the licensee or the licensee's estate if:

- a. The business ceases to operate because of destruction or damage;
- b. The licensee dies;
- c. The business ceases to be lawful for a reason other than license revocation;
- d. The licensee ceases to carry the licensed business under the license.

Section 23-614. DEATH OF A LICENSEE. In the case of the death of a licensee, the personal representative of the licensee may continue operation of the business for not more than 90 days after the licensee's death.

Section 23-615. RECORDS REQUIRED.

Subdivision 1. At the time of any reportable transaction other than renewals, extensions or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the City.

- a. A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

- b. The purchase price, amount of money loaned upon, or pledged therefor.
- c. The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.
- d. Date, time and place the item of property was received by the licensee and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records.
- e. Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of the property was received, including: sex, height, weight, race, color of eyes, and color of hair.
- f. The identification number and state of issue from any of the following forms of identification of the seller:
 - 1. Current valid Minnesota driver's license.
 - 2. Current valid Minnesota identification card.
 - 3. Current valid photo identification card issued by another state or province of Canada.
- g. The signature of the person identified in the transaction.
- h. Effective sixty (60) days from the date of notification by the City of acceptable video standards the licensee must also take a color photograph or color video recording of:
 - 1. Each customer involved in a billable transaction.
 - 2. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the City Manager's designee, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three (3) months.

- i. Digitized Photographs. Effective sixty (60) days from the date of notification by the City licensees must fulfill the color photograph requirements in Section 23-615 Subdivision 1(h) by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in Section 23-615 Subdivision 1(h).
- j. Renewals, Extensions, and Redemptions. For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.
- k. Inspection of Records. The records must at all reasonable times be open to inspection by the City Manager's designee. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

Subdivision 2. Label Required. Licensees must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the City, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

Section 23-616. DAILY REPORTS.

Subdivision 1. Effective no later than sixty (60) days after the City provides licensees with the current version of the Automated Pawn System Interchange File Specification, licensees must submit every reportable transaction to the City daily in the following manner:

- a. Licensees must provide to the City all reportable transaction information by transferring it from their computer to the Automated Pawn System via modem using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. Any transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the police department daily.

Subdivision 2. Billable Transaction Fees. Licensees will be charged for each billable transaction reported to the City.

- a. If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the City, upon request, printed copies of all reportable transactions, along with the video tape(s) for that date, by 12:00 noon the next business day;
- b. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in Section 23-616 Subdivision 2(a) and must be charged a fifty dollar (\$50.00) reporting failure penalty, daily, until the error is corrected; or
- c. If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports as detailed in Section 23-616 Subdivision 2(a), and resubmit all such transactions via modem when the error is corrected.
- d. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
- e. Section 23-616 Subdivision 2(a) through (c) notwithstanding, the City may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

Section 23-617. STOLEN GOODS AND IDENTIFICATION MARKINGS. A licensed pawnbroker must report to the police any article pledged or received, or sought to be pledged or received, if the licensee has reason to believe that the article was stolen or lost. A licensed pawnbroker may not receive items from which a serial number, or other personal identification number or symbol has been, or may have been, removed, altered, or obliterated.

Section 23-618. HOLDING PERIOD. Any item purchased or accepted in trade by a licensee must not be sold or otherwise transferred for thirty (30) days from the date of the transaction. An individual may redeem an item seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

Section 23-619. RECEIPT REQUIRED. Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three (3) years. The receipt must include at least the following information:

- a. The name, address, and telephone number of the licensed business.
- b. The date and time the item was received by the licensee.
- c. Whether the item was pawned or sold, or the nature of the transaction.
- d. An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- e. The signature or unique identifier of the licensee or employee that conducted the transaction.
- f. The amount advanced or paid.
- g. The monthly and annual interest rates, including all pawn fees and charges.
- h. The last regular day of business by which the item must be redeemed by the pledgor without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.
- i. The full name, current residence address, current residence telephone number, and date of birth of the pledgor or seller.

- j. The identification number and state of issue from any of the following forms of identification of the seller:
 - 1. Current valid Minnesota driver's license.
 - 2. Current valid Minnesota identification card.
 - 3. Current valid photo driver's license or identification card issued by another state or province of Canada.
- k. Description of the pledgor or seller including sex, race, color of eyes, color of hair, approximate height and weight.
- l. The signature of the pledgor or seller.
- m. All printed statements as required by Minnesota Statutes, Section 325J.04 Subd. 2, or any other applicable statutes.

Section 23-620. POLICE ORDER TO HOLD PROPERTY.

Subdivision 1. Investigative Hold. Whenever a law enforcement official from any agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial notification, or until the investigative order is canceled, or until an order to hold/confiscate is issued, pursuant to Section 23-620, Subdivision 2, whichever comes first.

Subdivision 2. Order to Hold. Whenever the City Manager's designee, notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the City Manager's designee. The order to hold shall expire ninety (90) days from the date it is placed unless the City Manager's designee determines the hold is still necessary and notifies the licensee in writing.

Subdivision 3. Order to Confiscate. If an item is identified as stolen or evidence in a criminal case, the City Manager's designee may:

- a. Physically confiscate and remove it from the shop, pursuant to a written order from the City Manager's designee, or
- b. Place the item on hold or extend the hold as provided in Section 23-620, Subdivision 2, and leave it in the shop.

When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

When an order to hold/confiscate is no longer necessary, the City Manager's designee shall so notify the licensee.

Section 23-621. WEAPONS.

Subdivision 1. A licensed pawnbroker may not receive, as a pledge or otherwise, accept for sale, any revolver, pistol, rifle or shotgun unless said dealer also maintains a federal firearms dealer's license.

Subdivision 2. A licensed pawnbroker may not receive, as pledge or otherwise, accept for sale, any sawed-off shotgun, automatic rifle, blackjack, switchblade, knife, or other similar weapons or firearms.

Section 23-622. MOTOR VEHICLE TITLE PAWN TRANSACTIONS.

Subdivision 1. In addition to the other requirements of this Section, a pawnbroker who holds a title to a motor vehicle as part of a pawn transaction shall:

- a. be licensed as a motor vehicle dealer under Minnesota Statutes, Section 168.27, and post such license on the pawnshop premises;
- b. verify that there are no liens or encumbrances against the motor vehicle with the department of public safety;
- c. verify that the pledgor has automobile insurance on the motor vehicle as required by law.

Section 23-623. HOURS OF OPERATION. From 9 p.m. Saturday to 7 a.m. Monday, no property shall be received as a pledge or purchased by a pawnbroker; nor shall any property be sold during said hours by any pawnbroker, nor any other day before 7 a.m. nor any other day after 9 p.m. Further, no pawnbroker shall be open for business on Christmas Day or Thanksgiving Day.

Section 23-624. PROHIBITED ACTS AND SIGNAGE.

- a. No person under the age of eighteen (18) years may pawn or sell or attempt to pawn or sell goods with any licensee, nor may any licensee receive any goods from a person under the age of eighteen (18) years.

- b. No licensee may receive any goods from a person of unsound mind or an intoxicated person.
- c. No licensee may receive any goods, unless the seller presents identification in the form of a valid driver's license, a valid State of Minnesota identification card, or current valid photo driver's license or identification card issued by the state or providence of residency of the person from whom the item was received.
- d. No licensee may receive any item of property that possesses an altered or obliterated serial number or operation identification number or any item of property that has had its serial number removed.
- e. No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own; nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest; with any licensee.
- f. No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor present a false or altered identification, or the identification of another; to any licensee.
- g. Signage: A sign must be conspicuously posted on each licensed premises that is not less than four feet square in surface area, comprised of lettering not less than 3/4" high stating the following:

To pawn or sell property:

- A. You must be at least 18 years of age.
- B. You must be the true owner of the property.
- C. The property must be free of all claims and liens.
- D. You must present valid photo identification.
- E. Violation of any of these requirements is a crime.
- F. All transactions are reported to police department daily.

Section 23-625. LICENSE DENIAL, SUSPENSION OR REVOCATION. A license under this Section may be denied, suspended or revoked by the City Council after a public hearing where the licensee is granted the opportunity to be heard, for one or more of the following reasons:

- a. The proposed use does not comply with the any applicable zoning code.
- b. The proposed use does not comply with any health, building, building maintenance, or other provisions of this Code of Ordinances or state law.
- c. The applicant or licensee has failed to comply with one or more provisions of Sections 23-601 through 23-630.
- d. The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.
- e. Fraud, misrepresentation or bribery in securing or renewing a license.
- f. Fraud, misrepresentation, or false statements made in the application and investigation for, or in the course of, the applicant's business.
- g. Violation within the preceding five (5) years, of any law relating to theft, damage or trespass to property, sale of a controlled substance, or operation of a business.
- h. The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this Section.

Section 23-626. REDEMPTION PERIOD. Any person pledging, pawning, or depositing an item for security must have a minimum of ninety (90) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the ninety (90) day holding period, items may not be removed from the licensed location except as provided in Section 23-606 Subdivision 2. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor, or with approval of the City Manager's designee. Written authorization for release of property to persons other than original pledgor must be maintained along with original transaction record in accordance with Section 615 Subdivision 1(j).

Section 23-627. INSPECTION OF ITEMS. At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises where the licensed business is located, including all off-site storage facilities as authorized in Section 23-606 Subdivision 2 during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, ware and merchandise and records therein to verify compliance with this Section or other applicable laws.

Section 23-628. COUNTY LICENSE. Pawnbrokers dealing in precious metals and gems must be licensed by Hennepin County in addition to the City license.

Section 23-629. SEVERABILITY. If any part of Sections 23-601 through 23-630 shall be adjudged to be invalid by a court of competent jurisdiction, such judgment or decree shall not affect or impair the remainder of said Sections.

Section 23-630. PENALTIES. Any person violating any provision of Sections 23-601 through 23-630 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) and imprisonment for not more than 90 days, or both, together with the cost of prosecution.

SECONDHAND GOODS DEALERS

Section 23-650. DEFINITIONS. For the purpose of Sections 23-650 through 23-678, the terms defined in this Section have the meanings given them.

1. *Secondhand Goods Dealer* means a person whose regular business includes selling or receiving tangible personal property (excluding motor vehicles) previously used, rented, owned or leased.
2. *Consignment House Dealer* means a person whose regular business includes receiving, but not purchasing, tangible property with the intention to sell the property and divide the proceeds with the owner.

Section 23-651. EXEMPTIONS. Sections 23-650 through 23-678 shall not apply to or include the following. Dealers engaging only in the following transactions are not required to have a license. The following transactions are not required by this ordinance to be recorded or reported to the police department.

1. The sale of secondhand goods where all the following are present:
 - a. The sale is held on property occupied as a dwelling by the seller or owned, rented or leased by a charitable or political organization;
 - b. The items offered for sale are owned by the occupant;
 - c. That no sale exceeds a sale of 72 consecutive hours;
 - d. That no more than four (4) sales are held in any 12-month period;
 - e. That none of the items offered for sale shall have been purchased for resale or received on consignment for the purpose of resale.
2. The sale of goods at an auction held by an auctioneer.
3. The business of buying or selling only those secondhand goods taken as part or full payment for new goods and where such business is incident to and not the primary business of a person.
4. A bulk sale of property from a merchant, manufacturer or wholesaler having an established place of business or goods sold at open sale from bankrupt stock.
5. Goods sold at an exhibition, providing the exhibition does not last longer than ten days in any twelve month period.

6. Sales by a licensed automobile dealer.
7. Firearms, including antique firearms, sold by firearms dealers holding current valid federal firearms dealer licenses permitting them to deal in such sales.
8. Sales made by the sheriff or other public officials in the discharge of their official duties.
9. Sales made by assignees or receivers appointed in this state to make sales for the benefit of creditors.
10. Transactions under \$100 for store credit only, with no payment of money to the seller.
11. Sales at public markets such as a flea market.
12. Sales of furniture, excluding electronic devices.
13. Sales of clothing provided no new clothing is sold (other than clothing purchased from commercial wholesalers for resale at retail).
14. Sales of recycled motor oil.
15. Sales by charitable organizations selling donated goods.
16. Sales of bona fide antiques or collectibles.
17. Sales of used books and magazines.
18. Resale of merchandise returned to the seller after an initial sale by the seller.
19. Sales of used toys.

Section 23-652. LICENSE REQUIRED. No person may engage in the business of a secondhand goods dealer without first having obtained a license.

Subdivision 1. Separate Licenses Required: A secondhand goods dealer may not conduct, operate or engage in the business of a pawnbroker without having obtained a pawnbroker license in addition to a secondhand goods dealer license.

Section 23-653. MULTIPLE DEALERS. The owners of a business, at which two or more secondhand goods dealers are engaged in business by maintaining separate sales and identifying themselves to the public as individual dealers, may obtain a multiple secondhand goods dealer license for that location. A multiple license may not be issued unless the following requirements are met:

1. The business must have a single name and address;
2. The business must operate in a compact and contiguous space as specified in the license;
3. The business must be under the unified control and supervision of the one person who holds the license;
4. Sales must be consummated at a central point of register operated by the owner of the business, and the owner must maintain a comprehensive account of all sales.

Subdivision 1. Compliance: The holder of a secondhand goods dealer license under this Section for a business with more than one dealer at the same location must comply with all of the requirements of this Section, including the responsibility for police reporting and record keeping in the same manner as any other dealer licensed under this Section. A dealer licensed under this Section is responsible to its customers for stolen or misrepresented goods sold at its place of business in the same manner as any other dealer licensed under this Section.

Section 23-654. LICENSE FEE.

Subdivision 1. Secondhand Goods Dealer: The annual license fee for a secondhand goods dealer shall be set by the City Council by resolution.

Subdivision 2. Multiple Sales: The annual license fee for a secondhand goods dealer for a location where more than one secondhand goods dealer is engaged in business shall be set by the City Council.

Subdivision 3. In addition to the annual fee, the City Council may establish, by resolution, an investigation fee to be paid upon initial application and upon any change in ownership. Change in ownership shall include, in the case of a partnership, a change in identity of any partner and in the case of a corporation, a change in ownership of more than five percent of shares.

Section 23-655. APPLICATION.

Subdivision 1. Contents: A license applicant must complete an application form provided by the City Manager's designee. The application must be in a form and request information of the applicant as determined by the City Manager's designee.

Subdivision 2. Execution: If the applicant is a natural person, the application must be signed and sworn by the person; if a corporation, by an agent authorized to sign; if a partnership, by a partner.

Subdivision 3. Fees: A non-refundable investigation fee as set by City Council resolution must be paid in full before an application for a new license is accepted. The initial license fee shall be paid in full with cash, or certified or cashier's check, before the license is issued. Renewal license fees shall be paid in full at the time of application for renewal. The annual license fee will be returned to the applicant if the application is rejected or denied. The investigation fee may be paid with a personal check.

Subdivision 4. False Statements: It is unlawful to knowingly make a false statement in the license application. In addition to all other penalties, the license may be subsequently revoked by the City Council for violation of this Section.

Section 23-656. BOND. A secondhand goods dealer license will not be issued unless the applicant files with the City Clerk a bond with corporate surety, cash, or a United States government bond in the amount of \$10,000. The bond must be conditioned on the licensee obeying the laws and ordinances governing the licensed business and paying all fees, taxes, penalties and other charges associated with the business. The bond must provide that it is forfeited to the City upon violation of law or ordinance. Such bond shall be maintained so long as the secondhand goods dealer does business, and shall be for the benefit of the City or any person who shall suffer any damage through the act of such secondhand goods dealer and shall not be terminable without the bond company giving written notice thirty (30) days in advance of termination to the City Clerk.

Section 23-657. SITE PLAN.

Subdivision 1. The application for a secondhand goods dealer license must be accompanied by a site plan drawn to scale. The site plan must contain:

- a. A legal description of the property upon which the proposed license premises is situated.
- b. A survey.
- c. The exact location of the license premises on the property, customer and employee parking areas, access onto the property, and entrances into the premises.
- d. The location of any school or day care center within 300 feet of any portion of the premises occupied by the applicant if the secondhand goods dealer will receive firearms.

- e. The location of any church, hospital, on-sale liquor establishment, halfway house, currency exchange operation, theater, residence, pawnshop, tattoo establishment, body piercing establishment, or massage parlor within 300 feet of any portion of the premises occupied by the applicant, notwithstanding if the secondhand goods dealer will receive firearms.
- f. A floor plan of the license premises.

Section 23-658. INVESTIGATIONS.

Subdivision 1. Conduct: The City, prior to granting of an initial or renewed secondhand goods dealer license, must conduct a background and financial investigation of the applicant. Any person having a beneficial interest in the license must be investigated. The City Manager's designee shall cause to be made such investigation of the information requested in this ordinance and shall make a written recommendation and report to the City Council.

The City Manager's designee must verify the facts stated in the application and must report all convicted violations of state, federal or municipal law involving the applicant, interested persons, or the unlicensed premises while under the applicant's proprietorship.

Subdivision 2. At the time of each original application for a license, the applicant shall pay in full an investigation fee, in an amount set by City Council resolution. All investigation fees are nonrefundable.

Subdivision 3. At any time that an additional investigation is required because of a license renewal, a change in ownership or control of the licensee or because of an enlargement, alteration, or extension of premises previously licensed, the licensee shall pay an investigation fee in an amount set by City Council resolution. All investigation fees are nonrefundable. The investigation fee shall accompany the application.

Section 23-659. GRANTING OF THE LICENSE. After review of the license application and investigation report, the City Council may grant or refuse, for one or more of the reasons set forth in Section 23-673, the application for a new or renewed secondhand goods dealer license. A license will not be effective unless the application fee and bond have been filed with the City Manager's designee.

Section 23-660. PERSONS INELIGIBLE FOR LICENSE.

Subdivision 1. A secondhand goods dealer license will not be issued to:

- a. A person who is not a citizen of the United States or a resident alien, or upon whom it is impractical to conduct a background and financial investigation due to the unavailability of information;
- b. A person under 18 years of age;
- c. Subject to the provision of law, a person has been convicted of any state or federal law relating to receiving stolen property, sale of stolen property or controlled substance, burglary, robbery, theft, damage or trespass to property, operation of a business, or any law or ordinance regulating the business of secondhand goods dealer or pawnbroker;
- d. A person who within five (5) years of the license application date had a secondhand goods dealer or pawnbroker license revoked;
- e. A person who the City Council determines not to be of sufficient good moral character or repute;
- f. If the City Council determines, after investigation and public hearing, that the issuance of or the renewal of the license would adversely affect public health, safety or welfare.

Section 23-661. PLACES INELIGIBLE FOR LICENSES. A license will not be issued or renewed under this Section for any place or for any business:

- a. Within 300 feet of, or in the same building as, or on the same legally subdivided lot piece, or parcel of land as any of the following uses: a school or day care center if the secondhand goods dealer will receive firearms or if located within 300 feet of a pawnshop, tattoo establishment, currency exchange operation, massage parlor, body piercing establishment, sauna, or another secondhand goods dealer; provided however, that a pawnshop and a secondhand goods dealer may occupy a single licensed premises in common if both activities are licensed for that premises;
- b. Where operation of a licensed premises would violate zoning ordinances; or
- c. Where the applicant's present license was issued conditioned upon the applicant making specified improvements to the licensed premises or the property of the licensed premises which improvements have not been completed.

Section 23-662. LICENSE LIMITATIONS. A license will be issued to the applicant only and only for the business premises as described in the application. The license is effective only for the premises specified in the approved license application.

Section 23-663. TERMS; EXPIRATION; PRO RATA FEE. The license is issued for a period of one (1) year beginning on January 1 except that if the application is made during the license year, a license may be issued for the remainder of the license year for a monthly pro rata fee. The unexpired fraction of a month will be counted as a complete month. The license expires on December 31.

Section 23-664. LICENSE REFUND. The City Council may, in its judgment, refund a pro rata share of the license to the licensee or the licensee's estate if:

- a. The business ceases to operate because of destruction or damage;
- b. The licensee dies;
- c. The business ceases to be lawful for a reason other than license revocation;
- d. The licensee ceases to carry the licensed business under the license.

Section 23-665. DEATH OF A LICENSEE. In the case of the death of a licensee, the personal representative of the licensee may continue operation of the business for not more than 90 days after the licensee's death.

Section 23-666. RECORDS. A licensed secondhand goods dealer at the time of receipt of an item, must immediately record, in ink or other indelible medium, in the English language, in a book or word processing unit, the following information:

- a. A complete and accurate description of the item including, but not limited to, any trademark, identification number, serial number, owner applied number, model number, brand name and/or other identifying mark(s) on such item;
- b. The purchase price;
- c. Date, time and place of receipt;
- d. Full name, residence address, residence phone number and date of birth of the person from whom the item was received;
- e. A description of the seller including approximate height, sex and race.
- f. The address and telephone number of the business;

- g. The identification number from any of the following forms of identification of the seller;
 - 1. Valid picture driver's license;
 - 2. Official state photo identification, passport or military I.D.
- h. The purchaser's or consignee's signature.
- i. The books, as well as the goods received, must be open for inspection by the police department during business hours. The records required by this Subsection must be stored and maintained by the licensee for a period of at least three (3) years.
- j. A secondhand goods dealer (excluding consignment house dealers and dealers in computer cartridges, portable video games, and compact discs or similar sound or video recordings) must, at the completion of any transaction required to be reported under Section 23-667, make a photographic record of the person selling the item(s), of the identification used, and the transaction record using a split image photographic device. A video record of the seller, the identification used, and the transaction receipt may be used in place of a photographic record, provided the video recording device produces a clear image of at least five (5) seconds in duration. In any transaction of less than \$100, the dealer may substitute a photographic record of the identification used and the transaction receipt using a split image photographic device or other device capable of copying both documents simultaneously. All ID's and receipts must be legible when printed and must bear the date of the transaction.

The exposed film or video tape used to record these transactions must be retained for a minimum of one year after the date of the last transaction recorded. It must be turned over to an authorized peace officer, upon demand, at any time during the retention period.
- k. The amount paid or advanced.

Section 23-667. DAILY REPORTS AND EXEMPTIONS. A computerized record of all transactions (except transactions of consignment house dealers and dealers in computer cartridges, portable video games, and compact discs or similar sound or video recordings, or transactions under \$15) must be submitted to the police department on a daily basis. The computerized records must be compatible with the computer system used by the Brooklyn Center Police Department. All items received must be reported on the computer system. The report shall include all information required under Section 23-666.

Section 23-668. STOLEN GOODS AND IDENTIFICATION MARKINGS. A licensed secondhand goods dealer must report to the police any article sold or received, or sought to be sold or received, if the licensee has reason to believe that the article was stolen or lost. A licensed secondhand goods dealer may not receive items from which a serial number, or other personal identification number or symbol has been, or may have been, removed, altered, or obliterated.

Section 23-669. HOLDING. An item received by a secondhand goods dealer for which a daily report to the police department is required by Section 23-667 and the value of which is \$100 or more may not be sold for a period of 15 days after receipt. Firearms acquired by a secondhand goods dealer may not be sold for a period of 90 days after receipt.

Section 23-670. POLICE ORDERS. If a City police officer or other law enforcement officer notifies a dealer not to sell an item, the item may not be sold or removed from the licensed premises until authorized to be released by the police, or court order. Said notification, if verbal, should be followed by a written order within 7 days setting forth the item to be held and the reasons therefore.

Section 23-671. WEAPONS.

Subdivision 1. A licensed secondhand goods dealer may not receive, as a pledge or otherwise, accept for consignment or sale, any revolver, pistol, rifle or shotgun unless said dealer also maintains a federal firearms dealer's license.

Subdivision 2. A licensed secondhand goods dealer may not receive, as pledge or otherwise, accept for consignment or sale, any sawed-off shotgun, automatic rifle, blackjack, switchblade, knife, or other similar weapons or firearms.

Section 23-672. PROHIBITED ACTS AND SIGNAGE.

Subdivision 1. Minors: A minor may not sell or consign, or attempt to sell or consign, goods with a secondhand goods dealer. A secondhand goods dealer may not receive goods from a minor.

Subdivision 2. Others: A secondhand goods dealer may not receive any goods from a person of unsound mind or an intoxicated person.

Subdivision 3. Identification: A secondhand goods dealer may not receive goods, unless the seller presents identification in the form of a valid picture driver's license or official state photo identification, United States passport or military I.D.

Subdivision 4. Ownership: No person may sell or deposit any article of property that is not his or her own.

Subdivision 5. Signage: A sign must be conspicuously posted on each licensed premises that is not less than four feet square in surface area, comprised of lettering not less than 3/4" high stating the following:

To sell property:

- A. You must be at least 18 years of age.
- B. You must be the true owner of the property.
- C. The property must be free of all claims and liens.
- D. You must present valid photo identification.
- E. Violation of any of these requirements is a crime.

Section 23-673. LICENSE DENIAL, SUSPENSION OR REVOCATION. A license under Sections 23-650 through 23-678 may be denied, suspended or revoked by the City Council after a public hearing where the licensee is granted the opportunity to be heard, for one or more of the following reasons:

- a. The operation of the business is in conflict with any provision of this ordinance;
- b. The operation of the business is in conflict with any health, building, maintenance, zoning, or other provision of this ordinance or law;
- c. The licensee or the business premises fails to conform with the standards for license application contained in this Section;
- d. The licensee has failed to comply with one or more provisions of this Section or any statute, rule or ordinance pertaining to the business of secondhand goods dealer;
- e. Fraud, misrepresentation or bribery in securing a license;
- f. Fraud, misrepresentation or false statements made in the course of the applicant's business;
- g. Subject to the provisions of law, the licensee has been convicted of any state or federal law relating to receiving stolen property, sale of stolen property or controlled substances, burglary, robbery, theft, damage or trespass to property, operation of a business, or any law or ordinance regulating the business of secondhand goods dealer or pawnbroker.

Section 23-675. INSPECTIONS. Any peace officer or a properly designated employee of the City or the State of Minnesota may enter and search business premises licensed under this Section, or offsite storage facilities of the licensee, during normal business hours, without a warrant for the purpose of inspecting such premises and the records and articles therein.

Section 23-676. COUNTY LICENSE. Secondhand goods dealers dealing in precious metals and gems must be licensed by Hennepin County in addition to the City license.

Section 23-677. SEVERABILITY. If any part of Sections 23-650 through 23-678 shall be adjudged to be invalid by a court of competent jurisdiction, such judgment or decree shall not affect or impair the remainder of said Sections.

Section 23-678. PENALTIES. Any person violating any provision of Sections 23-650 through 23-678 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) and imprisonment for not more than 90 days, or both, together with the cost of prosecution.

TAXICABS

Section 23-701. DEFINITIONS.

Unless the context otherwise clearly indicates, the following terms, as used in this Section, shall have the meanings given them in this Section:

- a. “Taxicab” means any motor vehicle as defined in Minnesota Statutes 169.01 engaged in carrying of persons for hire, whether over a fixed route or not, and whether the motor vehicle is operated from a street stand, or subject to call from a garage, or otherwise operated for hire. The term shall not include motor vehicles subject to control and regulation by the State Public Service Commission, motor vehicles regularly used by undertakers in carrying on their business, or motor vehicles hired on an hourly basis.
- b. “Taxicab Driver” means any person who drives a taxicab.
- c. “Street” means any street, alley, avenue, court, bridge, land, or public place or highway in the City of Brooklyn Center.

Section 23-702. TAXICAB LICENSE REQUIRED.

- a. No person shall operate or permit a taxicab owned or controlled by that person to be operated within the City of Brooklyn Center without having first obtained a taxicab license from the City covering both the driver and the taxicab.
- b. Licenses are valid from January 1 to December 31.
- c. A license is not required for taxicab owners and operators participating in the Sober Cab program. This exception applies when the following conditions are met:
 - 1. The taxicab is picking up the customer at an on-sale liquor establishment within the City;
 - 2. The on-sale liquor establishment placed the call for service to the taxicab; and
 - 3. The fee for the service is paid by the liquor establishment, by a third party as part of a City or area wide sober cab promotion, or the service is provided voluntarily by the taxicab owner or operator.

Section 23-703. LICENSE APPLICATION.

- a. An application for a taxicab license must be filed with the City Manager's designee on a form prepared by the City. The applicant must completely answer all questions and provide all information required on the application form. An application by a business organization may cover more than one taxicab and more than one driver.
- b. Before a licensee may use a new vehicle or a new driver, the licensee must file a new or revised license application with all of the information required of vehicles and drivers in an original application.
- c. The City may conduct any and all necessary investigations to verify the information on the application, including a criminal history and driver's license history inquiry on the applicant or any driver.
- d. License renewal applications must include all of the information required in an original application.

Section 23-704. VEHICLE REQUIREMENTS.

- a. Prior to operation in the City, each taxicab must meet the following requirements:
 1. Be marked to clearly identify the name of the business or company, the business or company telephone number, the cab number and rates. The design of the marking must be approved by the City Manager's designee.
 2. Be equipped with an accurate, operating meter, and an operating radio or telephone; and
 3. Have passed an inspection at a qualified service station or garage that employs a master ASE (Automotive Service Excellence) Technician. The City reserves the right to examine and inspect taxicabs in City facilities.
 4. Be clean, painted, and free from rusted metal and substantial body damage. The vehicle must have no loose hanging metal, body molding or chrome stripping. The vehicle must have all required fenders, bumpers, doors, door handles and lights, all of which must be in good working order.
- b. Each licensed taxicab must be inspected annually or as otherwise required by the City.

Section 23-705. EXEMPTION.

Any taxicab driver licensed to operate in another City may carry passengers from the City where licensed to any place or point within the City and may freely travel upon the streets without being licensed in accordance with this Section, provided that the taxicab driver shall not be permitted to solicit business or pick up passengers within the City unless the taxicab and the taxicab driver are licensed as required by this Section.

Section 23-706. LICENSEE MINIMUM REQUIREMENTS.

- a. An applicant for a taxicab license must:
 - 1. Be the owner or lessee of the vehicle or vehicles for which a license is requested;
 - 2. If an individual, be at least 18 years of age, and if a corporation or association, be properly chartered or authorized to do business as such under state law; and
- b. All drivers must have a valid State of Minnesota driver's license.

Section 23-707. DISQUALIFICATIONS.

- a. Except as allowed under Minnesota Statutes, Chapter 364, the following persons are disqualified from obtaining a taxicab license or from driving or operating a taxicab:
 - 1. Persons convicted of a violation of Minnesota Statutes, Sections 609.185 through 609.21 (murder, criminal vehicular homicide and injury);
 - 2. Persons convicted of a violation of Minnesota Statutes, Sections 609.221 through 609.223 (assault in the first, second or third degree);
 - 3. Persons convicted of a violation of Minnesota Statutes, Sections 609.342 through 609.3451 (criminal sexual conduct);
 - 4. Persons convicted of a violation of Minnesota Statutes, Section 617.23, Subdivisions 2 or 3 (felony or gross misdemeanor indecent exposure);
 - 5. Persons convicted of any provision of Minnesota Statutes, Chapter 152 (controlled substances) that is punishable by a maximum sentence of 15 years or more;

6. Persons convicted of any provision of Minnesota Statutes, Chapter 169 or 169A involving driving under the influence, leaving the scene of an accident or reckless or careless driving;
 7. Persons who have been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriety;
 8. Persons who have been convicted of a crime of violence or theft, a sex crime, or a crime involving the illegal use of drugs, other than crimes listed in paragraphs (1), (2), (3), (4) or (5); and
 9. Persons who have driving violations not listed in paragraph (6) within five years prior to the license application.
- b. The City Council may allow a person to be eligible to drive a taxicab or issue a license to a person who has been convicted of driving under the influence or a crime involving the illegal use of drugs if the person has successfully completed a treatment program that has been approved by the City Manager's designee and the violation occurred five or more years prior to the application.

Section 23-708. INSURANCE REQUIRED.

The City will not issue a taxicab license until the applicant has filed with the City Manager's designee an insurance policy, a certificate of insurance or insurance binder, subject to approval as to form by the City Attorney, that evidences that the owner of the taxicab is insured against claims, demands or losses in the minimum amounts of \$150,000 for a single injury or death in a single accident and at least \$300,000 for more than one injury or death in a single accident and \$25,000 for property damage. The policy must contain a clause obligating the insurer to give a 10-day written notice to the city for cancellation.

Section 23-709. BUSINESS RECORDS.

- a. The taxicab company, owner, or lessee of the vehicle must maintain order slips upon which are recorded all trips requested showing the time and place of origin and the destination of each trip. Order slips must be retained and preserved, in chronological order, in a safe place for at least the calendar year. All order slips must be available to the City.
- b. The taxicab company, owner, or lessee of the vehicle must maintain current business records, including, but not limited to information on all drivers and vehicles, at their designated place of business. Such business records must be made available for inspection by the City during reasonable business hours.

Section 23-710. PROCEDURE AT CAB STANDS.

Taxicab drivers waiting at a cab stand must allow prospective passengers to freely choose a taxicab. Drivers may not refer or encourage a prospective passenger to a particular taxicab.

Section 23-711. REVOCATION OF LICENSE.

A taxicab license may be revoked by the City Council if the licensee has violated any provisions of this ordinance, or state or federal law, which violation, in the City Council's discretion, reflects unfavorably on the fitness of the licensee to offer public transportation.

Section 23-712. PENALTY.

Any person, firm or corporation who violates any provision of this Ordinance is, upon conviction, guilty of a misdemeanor. The penalty that may be imposed for a misdemeanor is a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

COURTESY BENCHES ON PUBLIC RIGHT OF WAY

Section 23-901. DEFINITION.

A “courtesy bench” is any bench or seat maintained on the public right of way for the convenience and comfort of persons waiting for buses or other vehicles.

Section 23-902. PERMIT REQUIRED.

No person shall place or maintain any bench or seat on public right of way in Brooklyn Center unless they shall have obtained a permit and have complied with the provisions of this ordinance.

Section 23-903. PROCEDURE FOR ISSUANCE OF PERMITS.

A permit to install and maintain a bench on or along any public sidewalk or right of way may be issued by the City Council to a person complying with the following requirements:

- a. The person, firm or corporation desiring such a permit shall make written application to the City Clerk showing the requested location and detailed plans and specifications of each proposed bench, the name and address of the applicant, and such other information as may be required in an application form to be prepared by the City Clerk, City Engineer and City Attorney.
- b. The location of each bench shall be placed at a designated pickup location for the public transit system.
- c. Each application shall be accompanied by a letter of consent in such form as the City Attorney shall require, signed by the owners or lessees of the property abutting the street upon which each bench is proposed to be located, giving such owners’ or lessees’ consent to the installation and maintenance of such bench at the proposed location. The applicant shall furnish therewith such evidence of ownership or lease as shall be required by the City Attorney.
- d. Each application shall be accompanied by an inspection fee, as set forth by City Council resolution, payable to the City of Brooklyn Center for each such bench.
- e. If the application is approved, an additional permit fee will be required in the amount as set forth by City Council resolution, payable to the City of Brooklyn Center for each bench at the time the permit is issued.

- f. All permits shall expire as of the 1st day of April next following the date of issuance thereof, unless renewed. At least thirty (30) days prior to the expiration of any permit, the holder may make written application for renewal thereof, accompanied by the permit fee in an amount as set forth by City Council resolution. Renewal of permits shall not be automatic. One factor in considering a permit renewal will be the level of demonstrated demand by the public for the courtesy bench.
- g. If plans and specifications of the bench, or location of the bench, are not to be changed, the application for renewal shall be sufficient if the applicant gives his name and address, and the location and number of the bench for which renewal permit is desired. If the original consent of the owner of the land or lessee upon the premises abutting that portion of the street where the bench is located granted to the permit holder the continuing right to maintain such bench, the application may so state, and renewed consent shall not be required.
- h. Whenever a bench for which a permit has been issued is sold or title or control thereof transferred or assigned, a new permit shall be required and obtained for its maintenance.
- i. If the application is for permits for more than one bench at the same or different locations, a separate number and permit shall, when issued, be assigned and granted for each bench authorized to be installed, but each such permit issued shall be valid only for the particular location designated therein.

Section 23-904. WHERE COURTESY BENCHES ARE PROHIBITED.

No permit shall be issued for the installation of any such bench:

- a. without the approval of the City Engineer;
- b. in any alley, or any locations, districts, or zones as established by the City Council;
- c. at any location where the distance from the face of the curb to the inside sidewalk line is less than eight (8) feet;
- d. at any location more than fifty (50) feet from the nearest point of intersection with a street, unless the City Engineer shall direct change of location.

Section 23-905. REVOCATION.

- a. The application for installation and maintenance of any bench shall be denied if the City Engineer shall find that the maintenance of the bench at the proposed location would tend unduly to obstruct passage along any public sidewalk or public way or to create a hazard, or otherwise to be detrimental to the public safety, convenience or welfare.
- b. Any permit may be revoked, or the application for renewal thereof denied, for failure to comply with the provisions of this ordinance, or for misrepresentation of any material facts in the application, or for any reason which would have been ground for denial of the original application, or where in the judgment of the City Council or the City Engineer, maintenance has become inappropriate. No revocation or denial shall be made arbitrarily or inequitably as between different applicants.
- c. If the owner, or lessee, shall by writing filed with the City Engineer at least 30 days prior to the expiration of any permit, withdraw his consent to the renewal thereof after such expiration, the City Engineer shall promptly notify the permittee of the filing of such writing and shall deny the renewal of such permit unless and until such owner, or person in possession or control, shall in writing consent to such renewal permit being issued.

Section 23-906. LOCATION AND MAINTENANCE.

- a. Each such permitted courtesy bench shall be installed parallel with the curb and set back not less than thirty (30) inches from the face of the curb.
- b. No bench shall be more than forty-two (42) inches high nor more than thirty (30) inches wide or seven (7) feet long overall.
- c. Each bench shall have displayed thereon, in a conspicuous place, the permit number.
- d. Benches shall be installed on a level and stable base on a concrete slab, unless otherwise authorized by the City Engineer. At no time may the courtesy bench be installed on or otherwise encroach upon any sidewalk, bicycle trail, or other walkway or conveyance.

- e. It shall be the duty of the permittee to maintain each bench at all times in a safe condition at its proper location and to inspect each bench periodically in order that it may be properly maintained. Benches shall be kept at all times in a neat, clean and usable condition. Ice and snow shall be removed from the benches and the vicinity thereof in such a manner that each bench shall be accessible at all times. Weeds and grass shall be maintained at less than eight (8) inches in length. Any graffiti shall be removed from any courtesy bench within two days of receipt of notice from the city.

Section 23-907. ADVERTISEMENT ON BENCH.

- a. No advertising matter or sign shall be displayed upon any bench except only upon the front and rear surfaces of the backrest. No liquor, beer, tobacco products, or obscene, immoral or indecent advertising, or political advertising of any character, shall be permitted, and all advertising shall be subject to the approval of the City Council.
- b. No advertising matter or sign on any bench shall display the words "STOP", "LOOK", "DRIVE IN", "DANGER", or any other word, phrase or symbol which might interfere with, mislead or distract traffic.

Section 23-908. REMOVAL OF BENCHES.

- a. Upon the revocation or expiration of any permit without renewal, if the permittee fails promptly to remove a bench, the City Engineer may do so within ten (10) days after written notice given by mail directed to the address of the permittee on file, and if the permittee shall fail to pay the cost of removal and storage thereof within a period of sixty (60) days after the giving of such notice, the permittee's rights in said bench shall be forfeited, but such forfeiture shall not excuse the permittee from the payment of the cost of removal and storage of said bench.
- b. The permittee shall move benches immediately upon request of the City, at permittee's expense, should temporary or permanent removal be made necessary by construction or repair work in the vicinity of the bench.

Section 23-909. INSURANCE AND BONDING.

- a. Applicants for permits shall maintain insurance and provide the City Clerk a Policy Certificate verifying public liability insurance approved by the City Attorney and conditioned as follows: That the permittee will indemnify and save harmless the City of Brooklyn Center, its officers, agents and employees from any and all loss, costs, damages, expenses, or liability which may result from or arise out of the granting of such permit, or the installation or maintenance of such bench for which a permit is issued, regardless of the point to which such bench or benches may be moved within the City of Brooklyn Center with or without the consent of the permittee, and that the permittee will pay any and all loss or damage that may be sustained by any person as a result of, or which may be caused by, or arise out of, such installation or maintenance.

The insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect. In the event that two or more permits are issued to one permittee, one such insurance policy may be furnished to cover two or more benches, and each policy shall be of a type in which coverage shall automatically be restored immediately after the occurrence of any accident or loss from which liability may thereafter accrue. Such policy shall not be terminated without thirty days prior written notice to the City.

- b. The required limits of liability insurance required by this Section shall be \$1,000,000 for any number of claims arising out of a single occurrence or applicable statutory limits.
- c. Before a permit is issued, the applicant shall post a performance bond, in an amount determined to be sufficient by the City Engineer and in a form approved by the City Attorney, conditioned on the applicant removing and disposing of the bench and foundation, restoring the site to its previous grade, and restoring and maintaining vegetative cover as appropriate.

Section 23-910. CITY COUNCIL APPROVAL.

All applications for permits, when approved by the City Engineer, shall be presented to the City Council, which may grant or deny any one or more of the applications made.

CONDUCT OF PARADES AND PROVIDING STANDARDS THEREFOR

Section 23-1101. PERMIT REQUIRED. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the City Manager's designee of the City of Brooklyn Center.

- A. Definition. A parade is any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon the portion of a street reserved for vehicular travel in the City of Brooklyn Center.
- B. Exceptions. This Chapter shall not apply to the following:
 - 1. Funeral processions.
 - 2. A governmental agency acting within the scope of its functions.

Section 23-1102. APPLICATIONS. A person seeking issuance of a parade permit shall file an application with the City Manager's designee on forms provided by such officer within not less than twenty days nor more than sixty days before the date upon which it is proposed to conduct the parade.

- A. Contents. The application for a parade shall set forth the following information:
 - 1. The name, address and telephone number of the person seeking to conduct such parade.
 - 2. If the parade is proposed to be conducted for or on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
 - 3. The name, address and telephone number of the person who will act as parade chairman and be responsible for the conduct of the parade.
 - 4. The date the parade is to be conducted.
 - 5. The starting point, route to be traveled and termination point of the parade.
 - 6. The approximate number of persons, animals and vehicles which will constitute such parade and the type and description of the animals and vehicles.
 - 7. The hours when such parade will start and terminate.

8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traveled.
 9. The location and description of any assembly areas for such a parade.
 10. The time at which units of the parade will begin to assemble at any such assembly area.
 11. The interval of space to be maintained between units of such parade.
 12. Any additional information which the City Manager's designee shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- B. Late Applications. The City Manager's designee, where good cause is shown therefore, shall have authority to consider any application which is filed not less than ten days before the date such parade is proposed to be conducted. On applications by school officials, the City Manager's designee may grant a permit if the application is made three days prior to the date of such parade.

Section 23-1103. STANDARDS FOR ISSUANCE. The City Manager's designee shall issue a permit when, from a consideration of the application and such other information as is available to him, he finds as follows:

- A. Conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic within the City contiguous to the parade route or interfere with the movement of fire fighting equipment.
- B. The conduct of the parade will not require the diversion of so great a number of police officers as to prevent normal police protection to the City.
- C. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection to areas contiguous to such assembly areas.
- D. The conduct of the parade is not reasonably likely to cause injury to persons or property nor provoke disorderly conduct.
- E. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route.
- F. The parade is not to be held for the sole purpose of advertising and product and it is not designed to be held purely for private profit.

Section 23-1104. NOTICE OF REJECTION. The City Manager's designee shall act upon the application for a parade permit within three days after the filing thereof. If the City Manager's designee disapproves the application, he shall immediately mail to the applicant a notice of his actions stating the reasons for the denial of the permit.

Section 23-1105. APPEAL PROCEDURE. Any person aggrieved by a denial of a permit shall have the right to appeal to the City Council at its next scheduled meeting following such denial. Written notice of such appeal shall be given to the City Manager before such next scheduled Council meeting.

Section 23-1106. ALTERNATIVE PERMIT. City Manager's designee, in denying an application for a private permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the City Manager's designee, file a written acceptance with the City Manager's designee.

Section 23-1107. NOTICE OF OTHER OFFICIALS. Immediately upon the issuance of a parade permit, the City Manager's designee shall send a copy thereof to the City Manager, Fire Marshal, Public Works Director, Police Chief and to the director or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade.

Section 23-1108. EACH PERMIT SHALL STATE THE FOLLOWING INFORMATION:

- A. Starting time.
- B. Minimum and maximum speed of parade.
- C. Maximum interval of space to be maintained between the units of the parade.
- D. The portions of the streets to be traveled.
- E. The maximum length of the parade.
- F. Such other information as the City Manager's designee shall deem necessary.

Section 23-1109. PUBLIC CONDUCT DURING PARADES.

- A. Interferences. No person shall unreasonably hamper, obstruct or impede or interfere with any parade, parade assembly, or any person, animal or vehicle participating in the parade.
- B. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such parade is in motion.

- C. Parking on Parade Route. The City Manager's designee shall have the authority, when reasonably necessary to prohibit or restrict the parking of vehicles along the route of the parade in areas contiguous thereto. The City Manager's designee shall post signs to such effect, and it shall be unlawful for any person to park or leave any vehicle unattended in violation thereof.

Section 23-1110. REVOCATION. The City Manager's designee shall have the authority to revoke a parade permit issued hereunder, on notice, upon application of the standards for issuance as herein set forth.

Section 23-1111. PENALTY. The violation of the provisions of the Chapter or any lawful order of the City Manager's designee issued pursuant to the provisions hereof, shall be punishable by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

Section 23-1112. SEPARABILITY. If any Section, Subsection, clause, phrase or portion of this Chapter be held unconstitutional or invalid by any court of competent jurisdiction, such portion shall be deemed to be separate, distinct and independent and such holding shall not affect the validity of the remaining portions.

SALE OF MOTOR VEHICLES

Section 23-1201. DEFINITIONS. As used in the ordinance, the following terms shall mean:

- a. Car. Any new or used automobile or truck.
- b. Dealer in Motor Vehicles. Any person, firm, or corporation, together with any subsidiary or branch thereof engaged in the business of buying, selling, displaying or offering for sale new or used motor vehicles as a principal business or occupation. The dealer in motor vehicles will also be referred to herein as "dealer" or "licensee".
- c. Motor Vehicle. For the purpose of this ordinance motor vehicles shall be of the two following classes:
 1. Class A will apply to cars;
 2. Class B will apply to and mean motorcycles and any other type of land vehicle propelled by a motor other than cars.
- d. "Executive", "Official", "House Car" or "Demonstrator". These terms shall apply only to any motor vehicles which have actually been used by either a bona fide official or representative of the manufacturer or by the dealer making the sale offer and which have never been sold to a member of the public.
- e. Sale. The term "sale" is defined and is deemed to have taken place only when the dealer and the customer have agreed, in writing, on at least all of the following elements:
 1. The make, model, type and year of the manufacture of motor vehicle intended to be sold to and purchased by the customer, including the agreed date of delivery to the customer.
 2. The net purchase price to be paid therefore by the customer f.o.b. Brooklyn Center, including any amount allowed for a trade-in.
 3. Amount of down payment, if any.
 4. The cost of additional repairing, servicing or parts, if any.

Section 23-1202. LICENSE REQUIRED. No person shall be engaged in the business of buying, selling, displaying or offering for sale new or used motor vehicles at any place of business without first obtaining an appropriate license as required under this ordinance.

Section 23-1203. SEPARATE LICENSES. Each license shall have an established place of business, and each license shall authorize business at only the designated premises. If a licensee has more than one place of business, a separate license is required for each.

Section 23-1204. CONDITIONS IN, OF AND FOR MOTOR VEHICLE DEALER LICENSES. No motor vehicle dealer's license shall be issued except under the following conditions:

- a. No Class A motor vehicle dealer license shall be issued to any person who does not possess and operate under a new car franchise or contract in and for the City of Brooklyn Center, except that such license may be issued to any person not operating under such new car franchise if such licensee operates and maintains on its premises in Brooklyn Center an enclosed repair garage, a showroom or other car display or rental structure on the land and meets the zoning requirements and performance standards of the City codes.
- b. Every Class A licensee shall provide, operate and maintain on its premises in the City of Brooklyn Center an equipped and manned repair shop or facility capable of repairing the motors, engines, brakes, lights, tires, electrical and other operating equipment of any motor vehicle sold by such dealer.
- c. No motor vehicle dealer license of any class shall be issued for any place or business which is not zoned therefore.
- d. Each licensee shall provide sufficient parking space on licensee's premises for all motor vehicles repaired or processed by such licensee.
- e. Every premises for which a license is required under this ordinance shall have on file an approved application for plan approval with the Secretary of the Brooklyn Center Planning Commission. Such application shall be accompanied by a detailed map, plat or drawing of the place of business for which such license is to be issued showing among other information, the address, location and dimensions thereof; the location, type and dimensions of any building, fence, and lighting equipment thereon; the intended plan of all vehicle parking, the location and dimensions of processed car storage space; all curb openings; all driveways and alleyways therein and thereon; and a certificate by the City Engineer approving the drainage and paving on such place of business.

Unless changes are thereafter made, the same plan or map and other information need not be resubmitted for any renewal.

- f. The payment of the fees hereinafter set forth.
- g. The approval and filing of the bond as hereinafter set forth for Class A licenses.
- h. The obedience to all of the other conditions and provisions, governing such business or operation set forth in this ordinance, other ordinances of Brooklyn Center, and the laws of the State of Minnesota.

Section 23-1205. APPLICATION FOR LICENSE. The application for any license hereunder shall be made in writing and signed by the applicant on forms provided by the City Clerk, which application shall show, among other information, the names, residence or principal place of business and age or ages of all individual applicants; if a partnership, the names, addresses and ages of all partners; if a corporation, the names and addresses of all the officers and stockholders thereof; proof of a dealer's license authorizing the licensee to sell new and/or used cars in Brooklyn Center, as set forth in Section 23-1204 (a and b) herein; the business or occupation and residence addresses of the applicant for a period of three years immediately prior to the date of such application, including all partners, officers, or stockholders; any previous insolvency or bankruptcy of any applicant; and such other pertinent, relevant or material information as the City may from time to time require. All applications for such licenses shall be accompanied by the information described in Sections 4 and 5 of this ordinance.

Section 23-1206. LICENSE FEES. The fee for a Class A license shall be as set forth by City Council resolution.

The fee for a Class B license shall be as set forth by City Council resolution.

Section 23-1207. EXPIRATION DATE. All licenses issued under this ordinance shall expire on April 30 of each year.

Section 23-1208. TRANSFER OF LICENSES. Licenses hereunder may not be transferred from person to person or from place to place.

Section 23-1209. STATE LICENSES REQUIRED. No license shall be issued to deal in motor vehicles unless the applicant is licensed under the appropriate Minnesota Statutes to do so.

Section 23-1210. COUNCIL AUTHORITY. The City Council may grant, deny, suspend, or revoke any license under this ordinance, but any suspension or revocation shall be preceded by a hearing before the Council with not less than three (3) days' notice thereof to the applicant or licensee.

Section 23-1211. BOND REQUIRED. Each application for a Class A license shall be accompanied by a bond in the sum of \$5,000 which shall run to the City of Brooklyn Center for the benefit of any person, firm or corporation who shall sustain any injury covered by the bond.

The bond shall be conditioned that the principal will indemnify any and all persons, firms or corporations for any direct loss suffered because of dishonesty, misrepresentation or fraud on the part of the principal in the substitution of a motor vehicle or parts thereof for the one selected by the purchaser; failure through dishonesty or fraud to deliver a clear title to those legally entitled thereto; any misappropriation of monies or properties belonging to a purchaser being made in payment of a motor vehicle sold by the principal; alteration of a motor vehicle, its license plate or serial number on the part of the principal or with his knowledge so as to deceive the purchaser as to the year or model of any motor vehicle sold; or the violation of any of the provisions of this ordinance.

Any person, firm or corporation who sustains an injury covered by this bond may in addition to any other remedy that he may have, bring an action in his own name upon the bond and against the surety for the recovery of any damage sustained by him. Each licensee need file only one bond regardless of the number of licenses held.

Section 23-1212. DELIVERY. At the time of delivery the dealer shall furnish to the customer a written copy of the invoice, conditional sales contract, chattel mortgage, order, or other writing containing the following information, if applicable:

- a. Cost of insurance, if any, and description of the exact coverage of such insurance. If such insurance does not include property damage or liability insurance, a statement to this effect shall be prominently stated on such document or documents.
- b. Cost of additional repairing, servicing or parts.
- c. Exact cost of time price differential, including the exact amount or amounts, of the monthly installments, the number of such installments and the total time balance.
- d. Cost of motor vehicle license to be added.
- e. The amount of down payment.
- f. The final net purchase price to be paid therefore by the customer f.o.b. Brooklyn Center, including any amount allowed for a trade-in.

Section 23-1213. REGISTRATION. The registration of title card or bill of sale for any car sold shall be forwarded by the dealer to the Secretary of the State of Minnesota not later than fourteen (14) days after the date of the sale. No dealer shall receive and refuse to return to the owner any registration or title card for the purpose of compelling the owner of such card to purchase a motor vehicle from the dealer unless such dealer is ready, willing and able to comply with the terms of the contract or agreement for the sale of the motor vehicle.

Section 23-1214. SALES AWAY FROM PLACE OF BUSINESS. No dealer or salesman or employee of such dealer shall advertise any motor vehicle as being sold by the owner thereof at the owner's home or residence if such motor vehicle is actually owned by or consigned to the licensee and sold as part of his business. No licensee shall use any public street, premises or alley in the City for the storage of motor vehicles.

Section 23-1215. MORTGAGES OR LIENS. If any licensee shall knowingly sell a motor vehicle which is subject to a mortgage, lien, or payments, the licensee shall furnish a statement in writing to the purchaser definitely stating the amount of such mortgage, lien or payments, and the name and address of the holder or owner of such mortgage, lien or other indebtedness. If the licensee shall knowingly fail to furnish such information, any such mortgage, lien or payments shall be paid by the licensee.

Section 23-1216. SPEEDOMETER TAMPERING. No licensee or agent of such licensee shall fraudulently change, set back, or disconnect, or fail to connect, or cause to be changed, set back, disconnected, or cause the failure to connect any speedometer of any used motor vehicle for the purpose of effecting the sale of such used motor vehicle. Provided, however, it shall not be unlawful for a licensee or his agent to offer a used motor vehicle for sale with the speedometer reading thereon turned back to zero.

Section 23-1217. BLANK CONTRACTS. No licensee shall obtain the signature of a purchaser on any blank sales or purchase contract, order, conditional sales contract, chattel or other mortgage, note or other writing or memorandum relating to the sale of any motor vehicle, except for the financing statement, or like document, required under the Uniform Commercial Code.

Section 23-1218. SALES AS AGENT. The provisions of this ordinance shall apply to all sales made by a licensee irrespective of whether or not the motor vehicle sold or advertised for sale is owned by such licensee or whether he is acting as an agent or consignee for the owner.

Section 23-1219. MOTOR VEHICLE LOTS CONDITIONED. All outdoor parking lots, car lots, motor vehicle lots or any area used for the purpose of displaying for sale motor vehicles shall be constructed, maintained, illuminated as set forth in the Brooklyn Center Zoning Ordinance.

Section 23-1220. RECORDS OF SALES. Records of all purchases and sales shall be kept by the licensed dealer describing each vehicle purchased and sold by reference to serial number and State license number and date of each transaction, and such records shall be available for examination by the City Manager, City Manager's designee, and such other agents as may be designated by the City Council.

Section 23-1221. LICENSE CERTIFICATE TO BE DISPLAYED. Licensees hereunder shall prominently display in their showroom, or in the event of no showroom, in the room or area where negotiations and sales are consummated with the public, each license certificate issued hereunder.

Section 23-1222. PENALTY. Any person violating the terms of this ordinance shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both together with the costs of prosecution. Any violation of this ordinance shall, in addition to other penalties, be grounds for revocation of license.

REGULATIONS FOR SALE OF CHRISTMAS TREES

Section 23-1301. LICENSE REQUIRED. No person, firm or corporation shall engage in the business of selling Christmas trees in the City of Brooklyn Center without first applying for and receiving a license as hereafter provided.

Section 23-1302. APPLICATION. The application for license for selling Christmas trees shall be made to the City Clerk and shall be accompanied by a seasonal fee as set forth by City Council resolution. The license will expire on January 5 of the year following its issuance. A separate license shall be required for each place of sale.

Section 23-1303. DEPOSIT. A sum of \$100 in cash or cashier's check shall be deposited with the City Clerk at the time of application to insure that the site of sale shall be cleaned and cleared of Christmas trees and all other debris and materials relating to the business. It shall be the duty of the City Manager to determine whether the site of sale is properly cleaned and cleared. If the site of sale is not cleaned and cleared by January 5 of the year following the issuance of the license, the deposit shall be forfeited to the City to defray the expenses of the City in cleaning and clearing the said site of sale.

Section 23-1304. ZONING RESTRICTION. No licenses will be granted for Christmas tree sales in zoning districts other than the C2, I-1 and I-2 districts.

Section 23-1305. PENALTY. Any person violating the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

Section 23-1500. MECHANICAL CONTRACTORS LICENSE REQUIRED. No person shall install, alter, reconstruct, or repair any portion of a building mechanical system consisting of heating, ventilating, comfort cooling, or refrigeration equipment, including any gas piping incidental thereto, without first having procured a license therefore from the City of Brooklyn Center. Licenses shall be issued only to individuals or contractors who demonstrate an understanding of the laws and regulations and techniques relating to the installation and maintenance of building mechanical systems. The annual license fee shall be as set forth by City Council resolution. Licenses shall expire on the last day of April each year.

Section 23-1501. HOUSE MOVING CONTRACTORS LICENSE REQUIRED. No person shall move, remove, or raze any building within Brooklyn Center without first having procured a license therefore from the State of Minnesota.

- a. Permit Required. No licensed person within Brooklyn Center shall move, remove, or raze any building within Brooklyn Center without first applying for and obtaining a permit from the Building Official. The applicant for a permit shall furnish the Building Official such information as the Building Official deems necessary and shall conform to such reasonable regulations as the Building Official may establish. The application shall be accompanied by a permit fee as set forth by City Council resolution.

Section 23-1502. PENALTY. Any person violating the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

SAUNAS OR SAUNA BATHS

Section 23-1600. STATEMENT OF POLICY. The City Council of the City of Brooklyn Center deems it necessary to provide for the special and express regulation of businesses or commercial enterprises which offer saunas or sauna baths to the general public in order to protect the public health, safety and welfare and to guard against the inception and transmission of disease.

The City Council further finds that commercial enterprises offering saunas or sauna baths are susceptible of operation in a manner contravening, subverting or endangering the morals of the community, thus, requiring close inspection licensing and regulation.

The City Council also finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, requires intensive efforts by the Police Department, Public Health Sanitarian and other departments of the City and, as a consequence, the concentrated use of City services in such control detracts from and reduces the level of service available to the rest of the community and thereby diminishes the ability of the City to promote the general health, welfare, morals and safety of the community.

In consideration for the necessity on the part of the City to provide numerous services to all segments of the community, without a concentration of public services in one area to work to the detriment of the members of the general public, it is hereby decided that the number of sauna licenses issued pursuant to this ordinance or the number of massage parlor licenses issued pursuant to Chapter 23-1700, which may be in force at any one time, either licensing sauna parlors, massage parlors or any combination thereof, shall be no more than a total of three such licenses.

Section 23-1601. DEFINITIONS.

1. "Sauna" means and includes a steam bath, hot water bath or heat bathing by use of heat lamps and any such room or facility specially constructed therefore, used for the purposes of bathing, relaxing or reducing utilizing steam, hot air, hot water or heat lamps as a cleaning, relaxing or reducing agent.

Section 23-1602. LICENSE REQUIRED. No person shall engage in the business of operating a sauna or sauna bath either exclusively or in connection with any other business enterprise without being first licensed as provided in this ordinance.

Section 23-1603. CONTENTS OF APPLICATION FOR LICENSE. Application for a license shall be made only on the forms provided by the City Manager. Four complete copies of the application must be submitted to the City Manager's office containing the address and legal description of the property to be used, the name, address and telephone number of the owner, lessee, if any, and the operator or manager, the name, address and telephone number of two persons, who shall be residents of Hennepin County who may be called upon to attest to the applicant's, manager's or operator's character; whether the applicant, manager or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place and nature of such crime or offense including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating or furnishing or acquiring the premises, personal effects, equipment or anything incident to the establishment, maintenance and operation of a sauna parlor or sauna bath.

If the application is made on behalf of a corporation, joint business venture, partnership or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names and addresses of all individuals having an interest in the business, including creditors furnishing credit for the establishment, acquisition, maintenance and furnishing of said business and, in the case of a corporation, the names and addresses of all officers, general managers, members of the Board of Directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation. All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and other person, having an interest in the premises upon which the building is proposed to be located or in furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage, credit arrangement, loan agreements, security agreements and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise offering a sauna or sauna bath.

The application shall also contain blueprints, diagrams, plans, layouts, and the like showing the construction, revision, remodeling, alteration or additions of or to the premises and specifically showing the layout, design and arrangement of the bathing and restroom facilities and the size and type of equipment and facilities to be used.

Section 23-1604. LICENSE FEE, LICENSE INVESTIGATION AND LICENSE YEAR. The annual license fee and an investigation fee for the purposes of issuing a license shall be as set forth by City Council resolution. A non-refundable investigation fee must be paid in full before the application for a new license is accepted. The initial license fee shall be paid in full, with cash, or a certified or cashier's check, before the license is issued. Renewal license fees shall be paid in full at the time of application for renewal. The investigation fee may be paid with a personal check. In the event that the application is denied or in the event that the license once issued, is revoked, canceled or surrendered, no part of the annual license fee or fee for the investigation for the issuance of a license shall be returned to the applicant unless by express action of the City Council.

A separate license shall be obtained each year for each place of business. The licensee shall display the license on a prominent place in the licensed premises at all times. A license, unless revoked, is for the calendar year or a part thereof for which it has been issued.

The fee for the investigation for issuance of a license must be tendered with each new application for a license and must also be paid at any time when there is a proposed change of ownership or reapplication for a license wherein additional or different parties other than the original licensee and parties are proposing to be licensed. All licenses granted herein are nontransferable.

Section 23-1605. GRANTING OR DENIAL OF LICENSES. License applications shall be reviewed by the Police Department, Planning and Inspection Department, Health Department and such other departments as the City Manager shall deem necessary. The review shall include an inspection of the premises covered by the application to determine whether the premises conforms to all applicable code requirements. Thereafter, licenses shall be recommended for approval or denial by the City Manager to the City Council subject to the provisions of this Section. Any appeals shall be before the City Council.

A license permitting the conduct of an establishment offering saunas or sauna baths are nonrenewable and application must be made each year for a license, permitting and allowing the conduct of such business for the succeeding year. Licenses for the establishment or conduct of a sauna parlor are nontransferable.

Section 23-1606. CONDITIONS GOVERNING ISSUANCE.

1. No license shall be issued if the applicant or any of its owners, managers, employees, agents or interested parties are persons of bad repute.
2. Licenses shall be issued only if the applicant and all of its owners, managers, employees, agents or interested parties are free of convictions for offenses which involve moral turpitude or which relate directly to such person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the licensed activity.

3. Licenses shall be issued only to applicants who have not, within one year prior to the day of application, been denied licensure, have had a license revoked or suspended in or by any community or political subdivision or the State of Minnesota and whose owners, managers or any interested parties have not been similarly denied, revoked or suspended.
4. Licenses shall be issued only to applicants who have answered fully and truthfully all of the information requested in the application, who have paid the full license fee and fee for investigation and have cooperated fully and truthfully with the City in the review of the application.
5. If the applicant is a natural person, a license shall be granted only if such person is 18 years of age or older.
6. Licenses may be granted only in complete conformity with the zoning ordinances of the City of Brooklyn Center.
7. Licenses shall be granted only to establishments which can meet the safety, sanitary and building code requirements of the City.
8. A license shall not be granted if granting the license (a) would be inconsistent with the comprehensive development plans of the City, or (b) would otherwise have a detrimental effect upon other property or properties in the vicinity.

Section 23-1607. RESTRICTIONS AND REGULATIONS.

1. The licensee and the persons in its employ, agency or persons with an interest in such business shall comply with all applicable ordinances, regulations and laws of the City of Brooklyn Center and the State of Minnesota and the United States government.
2. If the licensee is a partnership or a corporation, the applicant shall designate a person to be manager and in responsible charge of the business. Such person shall remain responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the police department in writing of any such change, indicating the name and the address of the new manager and the effective date of such change.
3. The licensee shall furnish the Police Department with a list of current employees indicating their names and addresses and designating the duties of the employees within the sauna bath or sauna parlor. The licensee shall promptly notify the Police Department of any additions or deletions in the list of employees or changes in their job descriptions or duties.

4. The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 11:00 p.m. and 8:00 a.m. of the succeeding day.
5. The licensee shall permit and allow the inspection of the premises during business hours by all appropriate City employees.
6. Upon demand by any police officer any person employed in any licensed premises shall identify himself by giving his true legal name and his correct address.
7. No person under 18 years of age shall be employed in an establishment requiring a license under the provisions of this ordinance.
8. All equipment or personal property used in or for a sauna or sauna bath shall be of a safe and sanitary design as approved by the City Sanitarian and the entire premises wherein saunas or sauna baths are given, administered or allowed and all personal property, clothing, towels and the like used therein shall be sanitary which is defined as a complete absence of the vegetative cells of pathogenic microorganisms.
9. The licensee and all persons in its employ or connected therewith shall maintain an occupancy or guest register by which each patron of the sauna or sauna bath must register with his correct name, address and phone number and each licensee, or person in its employ shall require each patron to furnish identification describing and identifying his correct name, address and phone number and shall further require each patron to correctly and truthfully furnish his name, address and telephone number to said guest register before the administration of any services of the sauna or sauna baths.

Said occupancy register or guest register must be maintained on file for inspection by officers, employees or agents of the City of Brooklyn Center or any other agency of any political subdivision, the State of Minnesota or agency of the United States government for a period of not less than two years.
10. The licensed premises shall not be located within 300 feet of, or in the same building as, or on the same legally subdivided lot, piece or parcel of land as any of the following uses: school, day care center, church, hospital, on-sale liquor establishment, halfway house, theater, residence, tattoo establishment, body piercing establishment, massage parlor, secondhand goods dealer, pawnshop, currency exchange operation, or another sauna.

Section 23-1608. EMPLOYEE REGULATIONS. At all times during the operation of any sauna parlor, sauna or sauna bath, male employees and attendants shall attend to, assist or otherwise serve only male patrons and female employees shall attend, assist or otherwise serve only female patrons and at all times, employees of the sauna parlor, sauna or sauna bath must remain and be fully clothed.

Section 23-1609. CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

1. Each establishment shall have a separate restroom and separate locker room facilities for each sex.
2. All sauna rooms, locker rooms, restrooms and bathrooms used on the premises shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus and must be kept in a sanitary condition which is defined as free from the vegetative cells of pathogenic microorganisms. The floor-to-wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch.
3. All restrooms shall be provided with mechanical ventilation with 2cfm per square foot of floor area, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
4. All rooms in the licensed premises including but not limited to sauna rooms, massage rooms, restrooms, bathrooms, janitor's closet, hallways, and reception area shall be illuminated with not less than 30 foot candles of illumination.
5. Each establishment shall have a janitor's closet which shall provide for the storage of cleaning supplies. Such closet shall have mechanical ventilation with 2cfm per square foot of floor area. Such closet shall include a mop sink.
6. Floors, walls and equipment in sauna rooms and in restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and clean at all times. Linens and other materials shall be stored at least 12 inches off the floor. Clean towels and wash cloths must be made available for each customer.
7. Individual lockers shall be made available for use by patrons. Such lockers shall have separate keys for locking.
8. Such establishments shall provide adequate refuse receptacles which shall be emptied as required.

9. The doors to the individual sauna rooms shall not be equipped with any locking device and shall not be blocked or obstructed from either side of the door.

Section 23-1610. HEALTH AND DISEASE CONTROL. No person while afflicted with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in or use the services of any public steam bathing rooms, heat bathing room, bathroom, reducing or relaxation establishment in any capacity in which there is a likelihood of such person contaminating surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being afflicted with any such disease or condition shall be employed or permitted in such an area or capacity.

Section 23-1611. REVOCATION AND SUSPENSION OF LICENSE. The license may be revoked, suspended or not renewed by the City Council upon recommendation of the City Manager by showing that the licensee, its owners, managers, employees, agents or any of its interested parties have engaged in any of the following conduct:

1. Fraud, deception or misrepresentation in connection with the securing of the license.
2. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs defined in Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedative, depressants, stimulants or tranquilizers.
3. Conduct inimical to the interests of the public health, safety, welfare or morals.
4. Engaging in any conduct involving moral turpitude or permitting or allowing others to so engage in such conduct or failing to prevent such conduct.
5. Failure to fully comply with any requirements of this ordinance or failure to comply with any requirements of the ordinances of the City of Brooklyn Center relating to public health and sanitary conditions, building and construction codes, zoning codes and requirements of any ordinance, the violation of which involves moral turpitude.
6. Conviction of an offense involving moral turpitude by any court of competent jurisdiction.
7. Engaging in any conduct which would constitute grounds for refusal to issue a license under Section 23-1606 of this ordinance.

The licensee may appeal such suspension, revocation or nonrenewal to the City Council. The Council shall consider the appeal at the next regularly scheduled Council meeting on or after 10 days from service of the notice of appeal to the City Manager. At the conclusion of the hearing the Council may order:

1. The revocation, suspension or nonrenewal of the license.
2. That the revocation, suspension or nonrenewal be lifted and that the certificate be returned to the certificate holder.
3. The City Council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which they may in their sole discretion impose.

Section 23-1612. EXCEPTIONS. This ordinance does not apply to the operation of a sauna which is operated in connection with or as a part of a chiropractic office wherein the practitioners thereof are licensed by the State of Minnesota or as a part of a fully equipped, bona fide health club, having a fully equipped exercise room, complete with types and pieces of equipment in operating and working order of a type required for all forms of physical exercise, staffed and administered by persons trained as athletic directors, trainers, physical therapists or chiropractors, which offers complete exercising, physical training and reducing services including recommendations as to food, health, diet and the like, nor does this ordinance apply to any municipal corporation nor does this ordinance apply to any sauna located in any commercial office building, apartment building, hotel or motel, which is clearly incidental and secondary to the permitted principal use and which is offered solely and exclusively to bona fide tenants, employees of said tenants, residents, guests of said residents and registered lodgers, respectively, of said buildings, hotels and motels; and which is not offered to the public generally and as to which there is no public advertising or public offer to these saunas via any news media.

Section 23-1613. SEPARABILITY. Every Section, provision or a part of this ordinance is declared separable from every other Section, provision or part to the extent that if any Section, provision or a part of the ordinance shall be held invalid, such holdings shall not invalidate any other Section, provision or part thereof.

Section 23-1614. PENALTIES. Whoever does any act forbidden by this ordinance or omits or fails to do any act required by this ordinance shall be guilty of a misdemeanor and upon conviction thereof by lawful authority, be punished by a fine not to exceed \$1,000 or imprisonment not to exceed 90 days or both, together with the costs of prosecution. Each day that a violation exists constitutes a separate and distinct offense.

Section 23-1615. LIABILITY FOR THE CRIMES OF ANOTHER. Every person who commits or attempts to commit, conspires to commit or aids and abets in the commission of any act constituting a violation of this ordinance or any act, which constitutes an omission and, therefore, a violation of this ordinance, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully, induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this Chapter is likewise guilty of such offense.

MASSAGE PARLORS

Section 23-1700. STATEMENT OF POLICY. The City Council of the City of Brooklyn Center considers it necessary to provide for the special and express regulation of businesses or commercial enterprises which offer massages to the general public in order to protect the public health, safety and welfare and to guard against the inception and transmission of disease. The City Council further finds that commercial enterprises offering massages are susceptible of operation in a manner contravening, subverting and endangering the morals of the community, thus, requiring close inspection, licensing and regulation.

The City Council also finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the Police Department, Public Health Sanitarian and other departments of the City and as a consequence, the concentrated use of City services in such control detracts from and reduces the level of service available to the rest of the community, and thereby diminishes the ability of the City to promote the general health, welfare, morals and safety of the community. In consideration for the necessity on the part of the City to provide numerous services to all segments of the community, without a concentration of public services in one area working to the detriment of the members of the general public, it is hereby decided that the number of massage parlor licenses issued pursuant to this ordinance or the number of sauna licenses issued pursuant to Chapter 23-1600, which may be in force at any one time, either licensing massage parlors, sauna parlors, or any combination thereof, shall be no more than a total of three such licenses.

Section 23-1701. DEFINITIONS.

1. The term "massage" means the rubbing, stroking, kneading, tapping or rolling of the body of another with the hands for the exclusive purpose of physical fitness, relaxation, beautification and for no other purpose.
2. The term "masseur" means a male person who practices or administers massage.
3. The term "masseuse" means a female person who practices or administers massage.
4. The term "certificate" as used herein means a certificate issued by the City authorizing the holder thereof to practice or administer massage in the City of Brooklyn Center.
5. The term "bona fide health club" means those parts of a facility that are designed and used primarily for health and fitness activities and that have a capital investment of at least \$250,000 in building and fixtures and at least \$20,000 in exercise equipment.

6. The term “qualified” when used to refer to a barber shop, hair or beauty salon, or licensed cosmetology salon, means that such primary use has at least two full time employees engaged in the primary business use, is in a zoning district where such use is a permitted use, has no more than 15% of the floor area of the premises devoted to a massage use, has been in business in the city for at least three years, and has a capital investment in furniture, fixtures and equipment of at least \$30,000.
7. The term “recognized school” means a school or educational institution that:
 - a) is in good standing with the Minnesota Therapeutic Massage Network or the American Massage Therapy Association; b) is either registered or licensed with the Minnesota Higher Education Office or accredited by a federally recognized accrediting agency; c) has for its purpose the teaching of the theory, method, profession or work of massage; and d) requires a resident course of study before the student is given a diploma or certificate of graduation following the successful completion of the course of study or learning.

Section 23-1702. MESSAGE DISTINGUISHED. The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry and persons duly licensed in this State to practice medicine, surgery, osteopathy, chiropractic, physical therapy or podiatry, nurses who work solely under the direction of any such persons, athletic directors and trainers are hereby expressly excluded from the provisions of this Section. Beauty culturists and barbers who do not give, or hold themselves out to give, massage treatments, as defined herein, other than is customarily given in such shops or places of business, for the purpose of beautification only shall be exempt from the provisions of this Section.

Section 23-1703. LICENSE AND CERTIFICATE REQUIRED. No person shall engage in the business of operating a massage parlor or massage establishment either exclusively or in connection with any other business enterprise without being first duly licensed as provided herein. No person shall engage in or hold himself or herself out as being engaged in the practice of massage nor shall any person administer or practice massage commercially or for hire, or for the exchange of any valuable consideration within the City of Brooklyn Center without first having obtained a certificate as herein provided, except any person who is currently registered by the State Board of Medical Examiners. No business license shall be required for qualified barber shops, hair or beauty salons or for bona fide health clubs; provided, however that all other requirements of Sections 23-1700 through 23-1720 must be met, and all masseurs and masseuses must have certificates.

No business license shall be required, and the requirements of Section 23-1712 need not be met, for a masseur or masseuse, holding a current and valid certificate, to give massages to persons at public places if both the masseur or masseuse and the customer are fully clothed, the place is open to the public and access is not limited to adults, and the massage is limited to the scalp, neck, shoulders, arms and back.

Section 23-1704. CONTENTS OF APPLICATION FOR LICENSE. Application for license shall be made only on the forms provided by the City Manager. Four complete copies of the application shall be furnished to the office of the City Manager containing the address and legal description of the property to be used, the names, addresses and phone numbers of the owner, lessee, if any, and the operator or manager, the name, address and telephone number of two persons, who shall be residents of Hennepin County and who may be called upon to attest to the applicant's, manager's or operator's character; whether the applicant, manager or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place and nature of such crime or offense including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating or furnishing or acquiring the premises, personal effects, equipment or anything incident to the establishment, maintenance and operation of a massage parlor or massage establishment.

If the application is made on behalf of a corporation, joint business venture, partnership or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names and addresses of all individuals having an interest in the business, including creditors furnishing credit for the establishment, acquisition, maintenance and furnishings of said business and, in the case of a corporation, the names and addresses of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation. All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person, having an interest in the premises upon which the building is proposed to be located or in the furnishings thereof, personal property thereof, or the operation or maintenance thereof.

Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage, credit arrangement, loan agreements, security agreements and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise offering a massage. The application shall also contain blueprints , diagrams, plans, layouts and the like showing the construction, revision, remodeling, alteration or additions of or to the premises and specifically showing the layout, design and arrangement of the bathing and restroom facilities and the size and type of equipment and facilities to be used.

Section 23-1705. CONTENTS OF THE APPLICATION FOR CERTIFICATE. Application shall be made only on forms provided by the City Manager. The application shall contain the following information together with any other information which the City Manager may require:

1. Evidence of the applicant's education qualifications, including originals or certified copies of degrees, diplomas or certificates, if any.
2. Evidence of applicant's practical qualifications to practice massage.
3. Evidence that the applicant is of good moral character.
4. The names and addresses of two persons, residents of Hennepin County, who may be referred to as the applicant's character.
5. Whether the applicant has ever been convicted of a crime or offense other than a traffic offense, and if so, information as to the time, place and nature of such crime or offense.
6. Evidence in the form of a current certificate from a licensed physician practicing in Minnesota indicating (a) that within the past 30 days he has examined the applicant, and (b) that such examination was for the purpose of determining whether applicant had any communicable disease and (c) that as a result of such examination he believes that applicant is not suffering from any communicable disease which would disqualify the applicant from engaging in the practice of massage.

Section 23-1706. LICENSE FEE, LICENSE INVESTIGATION FEE AND LICENSE YEAR. The annual license fee and an investigation fee for the purposes of issuing a license shall be as set forth by City Council resolution. A non-refundable investigation fee must be paid in full before the application for a new license is accepted. The initial license fee shall be paid in full, with cash, or a certified or cashier's check, before the license is issued. Renewal license fees shall be paid in full at the time of application for renewal. The investigation fee may be paid with a personal check. In the event that the application is denied or in the event that the license, once issued, is revoked, canceled or surrendered, no part of the annual license fee or fee for investigation for the issuance of a license shall be returned to the applicant unless by express action of the City Council. A separate license shall be obtained each year for each place of business. The licensee shall display the license on a prominent place in the licensed premises at all times. A license unless revoked, is for the calendar year or part thereof for which it has been issued.

The fee for the investigation for issuance of a license must be tendered with each new application for a license and must also be paid at any time when there is a proposed change of ownership or reapplication for a license wherein additional or different parties other than the original licensee and interested parties are proposing to be licensed. A license for the operation of a massage parlor is nontransferable.

Section 23-1707. CERTIFICATE FEE, CERTIFICATE INVESTIGATION FEE AND CERTIFICATE YEAR. The annual certificate fee and an investigation fee for the purposes of issuing a certificate shall be as set forth by City Council resolution. The certificate fee and fee for the investigation of the certificate shall be paid when the application is filed. In the event that the application is denied or in the event that the certificate, once issued, is revoked, canceled or surrendered, no part of the annual certificate fee or fee for the investigation for the issuance of a certificate shall be returned to the applicant unless by express action of the City Council. A separate certificate shall be obtained each year. The certificate holder shall display the certificate on a prominent place in the premises of the certificate holder at all times. A certificate, unless revoked, is for the calendar year or part thereof for which it has been issued. The fee for the investigation for issuance of a certificate must be tendered with each new application for a certificate and must also be paid at any time when there is a proposed change of ownership or reapplication for a certificate wherein additional or different parties other than the original certificate holder are proposing certification. A certificate permitting the holder thereof to practice massage is nontransferable.

Section 23-1708. GRANTING OR DENIAL OF LICENSES AND CERTIFICATES. License applications and certificate applications shall be reviewed by the Police Department, Planning and Inspection Department, Health Department and such other departments as the City Manager shall deem necessary. The review shall include an inspection of the premises covered by the application to determine whether the premises conforms to all applicable code requirements.

Thereafter, licenses and certificates shall be recommended for approval or denial by the City Manager to the City Council, subject to the provisions of this ordinance. Any appeals shall be before the City Council. A license permitting the conduct of a massage parlor or massage establishment is nonrenewable and nontransferable and application must be made each year for a license, permitting and allowing the conduct of such business for the succeeding year. A certificate permitting the holder thereof to practice or administer massage commercially is nonrenewable and nontransferable and application must be made each year for a certificate permitting and allowing the holder thereof to administer or practice massage for the succeeding year.

Section 23-1709. CONDITIONS GOVERNING ISSUANCE OF A LICENSE.

1. No license shall be issued if the applicant or any of its owners, managers, employees, agents or interested parties is a person of bad repute.
2. Licenses shall be issued only if the applicant and all of its owners, managers, agents, employees or interested parties are free of convictions for offenses which involve moral turpitude or which relate directly to such person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the licensed activity.
3. Licenses shall be issued only to applicants who have not, within one year prior to the day of application, have been denied licensure, have had a license revoked or suspended in or by any community or political subdivision or the State of Minnesota and whose owners, managers, or any interested parties have not been similarly denied, revoked, or suspended.
4. Licenses shall be issued only to applicants who have answered fully and truthfully all of the information requested in the application, who have paid the full license fee and fee for investigation and have cooperated fully and truthfully with the City in the review of the application.
5. If the applicant is a natural person, a license shall be granted only if such person is 18 years of age or older.
6. Licenses may only be granted when in complete conformity with the zoning code of the City of Brooklyn Center. No license shall be granted for any premises which is within 300 feet of, or in the same building as, or on the same legally subdivided lot, piece or parcel of land as a currency exchange operation, secondhand goods dealer, pawn shop, tattoo or body piercing establishment, another massage parlor, sauna, school, day care center, church, hospital, on-sale liquor establishment, halfway house, theater or residence; provided, however, that this limitation shall not apply to bona fide health clubs or qualified barber shops, hair or beauty salons or licensed cosmetology salons.
7. Licenses shall be granted only to establishments which can meet the safety, sanitary and building code requirements of the City.
8. A license shall not be granted if granting the license (a) would be inconsistent with the comprehensive development plans of the City, or (b) would otherwise have a detrimental effect upon other property or properties in the vicinity.

Section 23-1710. CONDITIONS GOVERNING ISSUANCE OF THE CERTIFICATE.

1. Certificates shall be issued only to persons of good repute and persons who are in good health and free from any communicable diseases which would disqualify the applicant from engaging in the practice of massage.
2. Certificates shall be issued only to persons free of convictions of offenses which involve moral turpitude or which relate directly to the person's ability, capacity, or fitness to perform the duties and discharge the responsibility of the occupation.
3. Certificates shall not be issued to persons who, within one year prior to the date of application, have been denied certification or who has had his or her certificate revoked or suspended in or by any political subdivision, municipality or by the State of Minnesota.
4. Certificates shall be issued only to persons who have fully and truthfully answered all of the information requested in the application and have paid the full certification fee and certification investigation fee.
5. Certificates shall be issued only to persons 18 years of age or older.
6. Certificates shall be issued only to persons having at least 500 hours of training in massage from a recognized school.

Section 23-1711. RESTRICTIONS AND REGULATIONS.

1. No licensee shall employ any person as a masseur or masseuse without first insuring that said employee possesses a valid certificate for the administration or practice of massage.
2. The licensed premises shall not be open or in operation between the hours of 11:00 p.m. and 8:00 a.m. on the succeeding day nor shall any person engaged in the practice of massage be on said premises or perform any massage or administer any such services between the hours of 11:00 p.m. and 8:00 a.m. on the succeeding day.
3. The licensee, masseuse, or masseur and any persons in their employ or agents or officers thereof and any and all persons with an interest in said business shall comply with all applicable ordinances, regulations and laws of the City of Brooklyn Center, the State of Minnesota, and the United States government.

4. If the licensee is a partnership or corporation, the applicant shall designate a person to be manager and in responsible charge of the business. Such person shall remain responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the Police Department in writing of any such change indicating the name, address and telephone number of the new manager and the effective date of such change.
5. The licensee shall permit and allow the inspection of the premises during business hours by any and all appropriate City employees and agents.
6. The licensed premises must be kept and maintained in a sanitary condition defined as being free from the vegetative cells of pathogenic microorganisms and all equipment, personal property, tables, beds, towels, clothing and the like used in or for the purpose of massage shall also be maintained in a sanitary condition as defined herein.
7. Any person acting as a masseur or masseuse shall have his or her certificate displayed in a prominent place at his place of employment and upon demand by any police officer or other authorized officer or agent of the City of Brooklyn Center, any person engaged in practicing massage shall identify himself or herself giving his or her true legal name, correct address and phone number.
8. No person under 18 years of age shall be permitted upon or allowed to be employed or to serve in any establishment licensed under the provision of this ordinance.
9. Any person practicing massage within the City of Brooklyn Center shall initially advise the City of his or her address and telephone number and shall further advise the City of any changes in address or telephone number within thirty (30) days of such change.
10. Except as provided in Section 23-1703, any person practicing massage within the City may do so only at premises which are licensed for the conduct of such business as herein provided and further any person practicing massage shall inform the City of any changes in employment or the location of his employment within the City within seven (7) days after such change.
11. Any masseur or masseuse practicing massage shall have the upper and lower parts of his or her body covered and completely clothed by a nontransparent uniform or cloth at all times.

12. Every person to whom a certificate is issued shall appear personally at the Police Department to receive delivery of the certificate and upon such appearance, shall be photographed and fingerprinted for identification purposes. One copy of the photographs shall be permanently affixed to the certificate and a second copy thereof shall be kept in the files of the Police Department.
13. Each licensee shall keep on the licensed premises and for each licensed premises an occupancy or guest register which shall contain the true correct name, address and phone number of each patron of the licensed premises. Each licensee, his employees, masseurs, masseuses, or agents of them shall require each patron to identify himself by such sufficient identification showing the true correct name, address and phone number of said patron. The occupancy register or guest register shall be maintained on the licensed premises and open for inspection by officers, employees and agents of the City of Brooklyn Center, the State of Minnesota or the United States government and must be maintained for a period of not less than two years.

Section 23-1712. CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

1. Each licensed premise shall comply with all applicable provisions of the State Building Code.
2. All massage rooms, restrooms and bathrooms used in connection therewith shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth and shall be maintained in a sanitary condition defined as being completely free from the vegetative cells of pathogenic microorganisms. The floor-to-wall and wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch. All equipment, personal property, beds, towels, clothing and the like used in the massage parlor shall be of a sanitary design and kept in a sanitary condition.
3. All restrooms shall be provided with mechanical ventilation with two cfm per square foot of floor area, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
4. All rooms in the licensed premises including but not limited to sauna rooms, massage rooms, restrooms, bathrooms, janitor's closet, hallways and reception are shall be illuminated with not less than thirty-foot candles of illumination.
5. Each licensed premises shall have a janitor's closet which shall provide for the storage of cleaning supplies. Such closet shall have mechanical ventilation of two cfm per square foot of floor area. Such closet shall include a mop sink.

6. Floors, walls and equipment in massage rooms, restrooms and bathrooms must be kept in a state of good repair and sanitary at all times. Linen and other materials shall be stored at least twelve inches off the floor. Clean towels, wash cloths and linens must be available for each customer.
7. Individual lockers shall be made available for use by patrons, with each locker having separate keys for locking.
8. Such licensed premises shall provide adequate refuse receptacles which shall be emptied as often as required.
9. The doors to the individual massage rooms shall not be equipped with any locking device nor shall they be blocked or obstructed from either side of the door.

Section 23-1713. HEALTH AND DISEASE CONTROL. No person while afflicted with any disease in a communicable form or while a carrier of such disease or while afflicted with boils, infected wounds, sores or any acute respiratory infection shall work in or use the services of any public massage room and no person known or suspected of being afflicted with any such disease or condition shall be employed or permitted in such area or capacity.

Section 23-1714. REVOCATION, SUSPENSION OR NONRENEWAL OF LICENSE. The license may be revoked, suspended or not renewed by the City Council upon recommendation of the City Manager by showing that the licensee, its owners, managers, employees, agents, or any other interested parties have engaged in any of the following conduct:

1. Fraud, deception or misrepresentation in connection with the securing of the license.
2. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs defined in Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants or tranquilizers.
3. Conduct inimical to the interests of the public health, safety, welfare and morals.
4. Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers or employees in engaging in conduct involving moral turpitude.

5. Failure to fully comply with any requirements of the ordinances of the City of Brooklyn Center regarding sanitary and safety conditions, zoning requirements, building code requirements or ordinances, the violation of which involves moral turpitude, or failure to comply fully with any requirements of this ordinance.
6. Conviction of an offense involving moral turpitude by any court of competent jurisdiction.
7. Engaging in any conduct which would constitute grounds for refusal to issue a license herein.

The licensee may appeal such suspension, revocation or nonrenewal to the City Council. The Council shall consider the appeal at the next regularly scheduled Council meeting on or after ten days from service of the notice of appeal to the City Manager. At the conclusion of the hearing, the Council may order:

1. That the revocation, suspension or nonrenewal be affirmed.
2. That the revocation, suspension or nonrenewal be lifted and that the certificate be returned to the certificate holder.
3. The City Council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which they may, in their sole discretion, impose.

Section 23-1715. REVOCATION, SUSPENSION OR NONRENEWAL OF CERTIFICATES. Certification may be recommended by the City Manager for revocation or suspension or not renewed by the City Council for any of the following:

1. Fraud, deception or misrepresentation in connection with the securing of certification.
2. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs defined in Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants, or tranquilizers.
3. Conduct inimical to the interests of the public health, safety, welfare or morals.
4. Engaging in conduct involving moral turpitude.

5. Failure to fully comply with the requirements of this ordinance.
6. Conviction of an offense involving moral turpitude by any court of competent jurisdiction.

The certificate holder may appeal such suspension, revocation or nonrenewal to the City Council. The Council shall consider the appeal at the next regularly scheduled Council meeting on or after ten (10) days from service of the notice of appeal to the City Manager. At the conclusion of the hearing the Council may order:

1. That the revocation, suspension or nonrenewal be affirmed.
2. That the revocation, suspension or nonrenewal be lifted and that the certificate be returned to the certificate holder.
3. The City Council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which they may, in their sole discretion, impose.

Section 23-1716. PROHIBITED ACTS. No employer shall employ a person to practice or administer massage nor permit, suffer or allow a person to practice or administer massage unless that person has been granted a valid certificate pursuant to this ordinance and every employer shall require that the certification be prominently and openly displayed on the premises in plain view.

Section 23-1718. SEPARABILITY. Every Section, provision or part of this ordinance is declared separable from every other Section, provision or part to the extent that if any Section, provision or part of the ordinance shall be held invalid, such holding shall not invalidate any other Section, provision or part thereof.

Section 23-1719. PENALTIES. Whoever does any act forbidden by this ordinance or omits or fails to do any act required by this ordinance shall be guilty of a misdemeanor and upon conviction thereof by lawful authority, be punished by a fine not to exceed \$1,000 or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Each day that a violation exists constitutes a separate and distinct offense.

Section 23-1720. LIABILITY FOR THE CRIMES OF ANOTHER. Every person who commits or attempts to commit, conspires to commit or aids and abets in the commission of any act constituting a violation of this ordinance or any act, which constitutes an omission and, therefore, a violation of this ordinance, whether individually or in connection with one or more persons or as principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this Chapter is likewise guilty of such offense.

RAP PARLORS, CONVERSATION PARLORS, ADULT ENCOUNTER GROUPS,
ADULT SENSITIVITY GROUPS, ESCORT SERVICES, MODEL SERVICES,
DANCING SERVICES, OR HOSTESS SERVICES

Section 23-1800. STATEMENT OF POLICY. The City Council of the City of Brooklyn Center deems it necessary to provide for the special and express regulation of businesses or commercial enterprises which operate as rap parlors, conversation parlors, adult sensitivity groups, adult encounter groups, escort services, model services, dancing services or hostess services in order to protect the public health, safety and welfare and to guard against the inception and transmission of disease.

The City Council further finds that commercial enterprises as the type described above are susceptible of operation in a manner contravening, subverting or endangering the morals of the community, thus, requiring close inspection, licensing and regulation.

The City Council also finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, requires intensive efforts by the Police Department, Public Health Sanitarian and other departments of the City and, as a consequence, the concentrated use of City services in such control detracts from and reduces the level of services available to the rest of the community and thereby diminishes the ability of the City to promote the general health, welfare, morals and safety of the community. In consideration for the necessity on the part of the City to provide numerous services to all segments of the community, without a concentration of public services in one area to work to the detriment of members of the general public, it is hereby decided that the number of licenses issued pursuant to this ordinance or the number of licenses issued either pursuant to Chapter 23-1600 or 23-1700 which may be in force at anyone time, either licensing sauna parlors, massage parlors, or the commercial establishments described in this ordinance, 23-1800, or any combination thereof, shall be no more than a total of three such licenses.

Section 23-1801. DEFINITIONS. "Rap Parlor" or "Conversation Parlor" or "Adult Encounter Group" or "Adult Sensitivity Group" means any person, establishment or business advertising, offering, selling, trading or bartering the services of itself, its employees or agents as nonprofessional counselors, teachers or therapists who may talk to, listen to, discuss or have conversation with patrons or who deal in any way with patron's physical senses whether or not other goods or services are simultaneously advertised, offered, sold, traded or bartered and regardless of whether said goods or services are also required to be licensed.

"Escort Service" or "Model Service" or "Dancing Services" or "Hostess Service" means any person, establishment or business advertising, offering, selling, trading or bartering the services of itself, its employees or agents as hostesses, models, dancers, escorts, dates or companions whether or not goods or services are simultaneously advertised, offered, sold, traded or bartered and regardless of whether said goods or services are also required to be licensed.

Section 23-1802. LICENSE REQUIRED. No person shall engage in the business of operating a rap parlor, conversation parlor, adult encounter group, adult sensitivity group or model, escort, dancing or hostess service either exclusively or in connection with any other business enterprise or hold himself or herself out as being engaged in or offering his or her services as a model, hostess, dancer, escort or counselor in a rap parlor, conversation parlor, adult sensitivity group or adult encounter group without being first duly licensed as provided herein.

Section 23-1803. CONTENTS OF APPLICATION FOR LICENSE. Application for a license shall be made only on the forms provided by the City Manager. Four complete copies of the application must be submitted to the City Manager's office containing the address and legal description of the property to be used, the name, address and telephone number of the owner, lessee, if any, and the operator or manager, the name, address and telephone number of two persons, who shall be residents of Hennepin County who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place and nature of such crime or offense including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating or furnishing or acquiring the premises, personal effects, equipment or anything incident to the establishment, maintenance and operation of a rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service or hostess service.

If the application is made on behalf of a corporation, joint business venture, partnership or any legally constituted business association, it shall submit, along with its application, accurate and complete business records showing the names and addresses of all individuals having an interest in the business, including creditors furnishing credit for the establishment, acquisition, maintenance and furnishing of said business and, in the case of a corporation, the names and addresses of all officers, general managers, members of the Board of Directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation. All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or in the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage, credit arrangement, loan agreements, security agreements and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise offering services as a rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service or hostess service.

The application shall also contain blueprints, diagrams, plans, layouts, and the like showing the construction, revision, remodeling, alteration or additions of or to the premises and specifically showing the layout, design and arrangement of the bathing and restroom facilities and the size and type of equipment and facilities to be used.

Section 23-1804. LICENSE FEE, LICENSE INVESTIGATION AND LICENSE YEAR. The annual license fee and an investigation fee for the purposes of issuing a license shall be as set forth by City Council resolution. A non-refundable investigation fee must be paid in full before the application for a new license is accepted. The initial license fee shall be paid in full, with cash, or a certified or cashier's check, before the license is issued. Renewal license fees shall be paid in full at the time of application for renewal.

The investigation fee may be paid with a personal check. In the event that the application is denied or in the event that the license once issued is revoked, canceled or surrendered, no part of the annual license fee or fee for the investigation for the issuance of a license shall be returned to the applicant unless by express action of the City Council. A separate license shall be obtained each year for each place of business. The licensee shall display the license on a prominent place in the licensed premises at all times. A license, unless revoked, is for the calendar year or a part thereof for which it has been issued.

The fee for the investigation for issuance of a license must be tendered with each new application for a license and must also be paid at any time when there is a proposed change of ownership or reapplication for a license wherein additional or different parties other than the original licensee and parties are proposing to be licensed. All licenses granted herein are nontransferable.

Section 23-1805. GRANTING OR DENIAL OF LICENSES. License applications shall be reviewed by the Police Department, Planning and Inspection Department, Health Department and such other departments as the City Manager shall deem necessary. The review shall include an inspection of the premises covered by the application to determine whether the premises conforms to all applicable code requirements.

Thereafter, licenses shall be recommended for approval or denial by the City Manager to the City Council subject to the provisions of this Section. Any appeals shall be before the City Council. A license permitting the conduct of an establishment offering services as a rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service dancing service or hostess service are nonrenewable and application must be made each year for a license, permitting and allowing the conduct of such business for the succeeding year. Licenses for the establishment or conduct of a rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service or hostess service are nontransferable.

Section 23-1806. CONDITIONS GOVERNING ISSUANCE.

1. No license shall be issued if the applicant or any of its owners, managers, employees, agents or interested parties are persons of bad repute.
2. Licenses shall be issued only if the applicant and all of its owners, managers, employees, agents or interested parties are free of convictions for offenses which involve moral turpitude or which relate directly to such person's ability, capacity or fitness to perform the duties and discharge the responsibilities of the licensed activity.
3. Licenses shall be issued only to applicants who have not, within one year prior to the day of application, have been denied licensure, have had a license revoked or suspended in or by any community or political subdivision or the State of Minnesota and whose owners, managers or any interested parties have not been similarly denied, revoked or suspended.
4. Licenses shall be issued only to applicants who have answered fully and truthfully all of the information requested in the application, who have paid the full license fee and fee for investigation and have cooperated fully and truthfully with the City in the review of the application.
5. If the applicant is a natural person, a license shall be granted only if such person is 18 years of age or older.
6. Licenses may be granted only in complete conformity with the zoning ordinance of the City of Brooklyn Center.
7. Licenses shall be granted only to establishments which can meet the safety, sanitary and building code requirements of the City.
8. A license shall not be granted if granting the license (a) would be inconsistent with the comprehensive development plans of the City or (b) would otherwise have a detrimental effect upon other property or properties in the vicinity.

Section 23-1807. RESTRICTIONS AND REGULATIONS.

1. The licensee and the persons in its employ, agency or persons with an interest in such business shall comply with all applicable ordinances, regulations and laws of the City of Brooklyn Center and the State of Minnesota, and the United States government.

2. If the licensee is a partnership or a corporation, the applicant shall designate a person to be manager and in responsible charge of the business. Such person shall remain responsible for the conduct of the business until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the Police Department in writing of any such change, indicating the name and address of the new manager and the effective date of such change.
3. The licensee shall furnish the Police Department with a list of current employees indicating their names and addresses and designating the duties of the employees within the rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service or hostess service. The licensee shall promptly notify the Police Department of any additions or deletions in the list of employees or changes in their job descriptions or duties.
4. The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 11:00 p.m. and 8:00 a.m. on the succeeding day.
5. The licensee shall permit and allow the inspection of the premises during business hours by all appropriate City employees.
6. Upon demand by any police officer any person employed in any licensed premises shall identify himself by giving his true legal name and his correct address.
7. No person under 18 years of age shall be employed in an establishment requiring a license under the provisions of this ordinance.
8. All equipment or personal property used in or for a rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service or hostess service shall be of a safe and sanitary design as approved by the City Sanitarian, and the entire premises wherein the services of a rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service or hostess service are provided, administered or allowed and all personal property, clothing, towels and the like used therein shall be sanitary which is defined as a complete absence of the vegetative cells of pathogenic microorganisms.

9. The licensee and all persons in its employ or connected therewith shall maintain an occupancy or guest register by which each patron of the rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service or hostess service must register with his correct name, address and phone number and each licensee, or person in its employ shall require each patron to furnish identification describing and identifying his correct name, address and phone number and shall further require each patron to correctly and truthfully furnish his name, address and telephone number to said guest register before the administration of any services. Said occupancy register or guest register must be maintained on file for inspection by officers, employees or agents of the City of Brooklyn Center or any other agency of any political subdivision, the State of Minnesota or agency of the United States government for a period of not less than two years.

Section 23-1808. EMPLOYEE RELATIONS. At all times during the operation of any rap parlor, conversation parlor, adult encounter group, adult sensitivity group, or model service, escort service, dancing service, or hostess service, male employees and attendants shall attend to, assist or otherwise serve only male patrons and female employees shall attend to, assist or otherwise serve only female patrons and at all times, both employees and customers must be and remain fully clothed.

Section 23-1809. CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

1. Each establishment shall have a separate restroom and separate locker room facilities for each sex.
2. All locker rooms, restrooms and bathrooms used on the premises shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus and must be kept in a sanitary condition which is defined as free from the vegetative cells of pathogenic microorganisms. The floor-to-wall and wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch.
3. All restrooms shall be provided with mechanical ventilation with two cfm per square foot of floor area, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels and a soap dispenser.
4. All rooms in the licensed premises including but not limited to rap rooms, conversation rooms, modeling rooms, dancing rooms, restrooms, bathrooms, janitor's closet, hallways, and reception area shall be illuminated with not less than 30 foot candles of illumination.

5. Each establishment shall have a janitor's closet which shall provide for the storage of cleaning supplies. Such closet shall have mechanical ventilation with two cfm per square foot of floor area. Such closet shall include a mop sink.
6. Floors, walls and equipment in rap rooms, conversation rooms, modeling rooms, dancing rooms and in restrooms and in bathrooms used in connection therewith must be kept in a state of good repair and clean at all times. Linens and other materials shall be stored at least 12 inches off the floor. Clean towels and wash cloths must be made available for each customer.
7. Individual lockers shall be made available for use by patrons. Such lockers shall have separate keys for locking.
8. Such establishments shall provide adequate refuse receptacles which shall be emptied as required.
9. The doors to the individual rap rooms, conversation rooms, modeling rooms or dancing rooms shall not be equipped with any locking device and shall not be blocked or obstructed from either side of the door.

Section 23-1810. HEALTH AND DISEASE CONTROL. No person while afflicted with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in or use the services of any public rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service or hostess service in any capacity in which there is a likelihood of such person contaminating surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being afflicted with any such disease or condition shall be employed or permitted in such an area or capacity.

Section 23-1811. REVOCATION AND SUSPENSION OF LICENSE. The license may be revoked, suspended or not renewed by the City Council upon recommendation of the City Manager by showing that the licensee, its owners, managers, employees, agents or any of its interested parties have engaged in any of the following conduct:

1. Fraud, deception or misrepresentation in connection with the securing of the license.
2. Habitual drunkenness or intemperance in the use of drugs including but not limited to the use of drugs defined in Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants or tranquilizers.

3. Conduct inimical to the interest of the public health, safety, welfare or morals.
4. Engaging in any conduct involving moral turpitude or permitting or allowing others to so engage in such conduct or failing to prevent such conduct.
5. Failure to fully comply with any requirements of this ordinance or failure to comply with any requirements of the ordinances of the City of Brooklyn Center relating to public health and sanitary conditions, building and construction codes, zoning codes and requirements of any ordinance, the violation of which involves moral turpitude.
6. Conviction of an offense involving moral turpitude by any court of competent jurisdiction.
7. Engaging in any conduct which would constitute grounds for refusal to issue a license under Section 23-1806 of this ordinance.

This licensee may appeal such suspension, revocation or nonrenewal to the City Council. The Council shall consider the appeal at the next regularly scheduled Council meeting on or after 10 days from service of the notice of appeal to the City Manager. At the conclusion of the hearing the Council may order:

1. The revocation, suspension or nonrenewal of the license.
2. That the revocation, suspension or nonrenewal be lifted and that the certificate be returned to the certificate holder.
3. The City Council may base either suspension or issuance of the certificate upon any additional terms, conditions and stipulations which they may in their sole discretion impose.

Section 23-1812. EXCEPTIONS. This ordinance does not apply to nor include bona fide legal, medical, psychiatric, psychological, family or marriage counseling services by a person, persons or businesses appropriately licensed by the State of Minnesota, by local units of government or any other appropriate licensing authority; nor does this ordinance apply to bona fide educational institutions completely complying with state and local regulations, or the regulation of any licensing authorities; nor does it apply to bona fide churches, synagogues, or institutions or organized religions or to seminars, panel discussions or group classes sponsored by bona fide religious institutions or educational institutions.

Section 23-1813. SEPARABILITY. Every Section, provision or part of this ordinance is declared separable from every other Section, provision or part to the extent that if any Section, provision or a part of the ordinance shall be held invalid, such holdings shall not invalidate any other Section, provision, or part thereof.

Section 23-1814. PENALTIES. Whoever does any act forbidden by this ordinance or omits or fails to do any act required by this ordinance shall be guilty of a misdemeanor and upon conviction thereof by lawful authority, be punished by a fine not to exceed \$1,000 or imprisonment not to exceed 90 days or both, together with the costs of prosecution. Each day that a violation exists constitutes a separate and distinct offense.

Section 23-1815. LIABILITY FOR THE CRIMES OF ANOTHER. Every person who commits or attempts to commit, conspires to commit or aids and abets in the commission of any act constituting a violation of this ordinance or any act, which constitutes an omission and, therefore, a violation of this ordinance, whether individually or in connection with one or more persons or as principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully, induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this Chapter is likewise guilty of such offense.

CHARITABLE GAMBLING

Section 23-1900. STATEMENT OF POLICY. The City of Brooklyn Center deems it desirable to regulate lawful gambling within its jurisdiction as authorized by Minnesota Statutes, Section 349.213, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on gambling within its limits beyond those contained in Minnesota Statutes, Chapter 349, as it may be amended from time to time.

Section 23-1901. DEFINITIONS. The definitions in Minnesota Statute 349 are adopted by reference in this Chapter.

Section 23-1902. LAWFUL GAMBLING IN ON-SALE PREMISES. Lawful gambling is permitted in on-sale licensed premises within the City of Brooklyn Center provided it is conducted by qualified and state licensed charitable organizations in accordance with Minnesota Statutes, Sections 609.75 through 609.763, inclusive, as they may be amended from time to time; Minnesota Statutes, Sections 349.11 through 349.23, inclusive, as they may be amended from time to time, and this ordinance. The following regulations and qualifications must be complied with by all such charitable organizations:

1. The organization must have been in existence in Brooklyn Center for at least three years.
2. The organization must expend 85% of its expenditures for lawful purposes on lawful purposes conducted or located within the Cities of Brooklyn Center, Brooklyn Park, Minneapolis, Crystal, Robbinsdale, and Fridley.
3. The organization must file a list containing the names and addresses of all current members with the City Manager's designee on an annual basis.
4. The organization must file charitable gambling financial reports monthly with the City Manager's designee.
5. The organization must conduct lawful gambling in a method as required by the City.
6. Workers or managers may not divulge the number of or the dollar amount of the winners at any time.
7. Workers or managers shall not co-mingle game cards.
8. The organization shall comply with all the provisions of Minnesota Statutes, Chapter 349.
9. The organization shall register with the State Gambling Board all equipment and supplies used in a licensed on-sale establishment.

10. The charitable organization will be responsible for the booth and other equipment used in the conduct of lawful gambling.
11. The organization must pay the City of Brooklyn Center an investigation fee of \$250 per year.

Section 23-1903. SEVERABILITY. Every Section, provision or part of this Chapter is declared separable from every other Section, provision or part to the extent that if any Section, provision or part of this Chapter shall be held invalid, such holding shall not invalidate any other Section, provision or part thereof.

Section 23-1904. PENALTIES. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) and imprisonment for not more than ninety (90) days, or both, together with the cost of prosecution.

ALARM SYSTEMS

Section 23-2000. STATEMENT OF POLICY. The City Council of the City of Brooklyn Center deems it necessary to provide for the special and express regulation of alarm systems which are designed to signal the presence of a hazard requiring urgent attention and to which public safety personnel are expected to respond in order to protect the public health, safety and welfare. The City Council finds that the regulation of alarm systems is necessary in order to reduce the increasing frequency of false alarms in Brooklyn Center. The great number and increasing frequency of these false alarms requires intensive, time-consuming efforts by the Police Department and thereby distracts from and reduces the level of services available to the rest of the community. This diminishes the ability of the City to promote the general health, welfare and safety of the community.

In consideration for the necessity on the part of the City to provide numerous law enforcement services to all segments of the community, without an undue concentration of public services in one area to work to the detriment of members of the general public, it is hereby decided that the alarm systems shall be regulated through the permit process described below.

Section 23-2001. DEFINITIONS. As used herein, unless otherwise indicated, the following terms are defined as follows:

1. "Alarm System" shall mean an assembly of equipment and devices (or a single device such as a solid state unit) arranged to signal the presence of a hazard. For the purposes of this ordinance, the alarm, when triggered, must either be directly connected to the police and/or fire station or may signal a central monitoring agency which then notifies the Police and/or Fire Departments of an emergency to which public safety personnel must respond, or may emit an audible signal which will require urgent attention and to which the public safety personnel are expected to respond. Alarm System does not include audible alarms affixed to automobile.
2. "Alarm User" shall mean the person, firm, partnership, association, corporation, company or organization of any kind including government entities on whose premises an alarm system is maintained. "Alarm User" shall include persons occupying dwelling units for residential purposes. "Alarm User" shall not include persons maintaining alarm systems in automobiles.
3. "False Alarms" shall mean the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents. It does not include activation of the alarm by utility company power outages or by acts of God.

4. "Person" shall mean any individual, partnership, corporation, association, cooperative or other entity.
5. "Calendar Year" shall mean the period January 1 through December 31 of each year.

Section 23-2003. PERMITS AND EXEMPTIONS.

1. Permits. Effective January 1, 1982 every alarm user who, during the course of a calendar year, incurs more than four (4) false police alarms, or more than one (1) false fire alarm shall be required to obtain an alarm user permit.
2. Review of Permit. The City Manager's designee shall review the issuance of all police alarm permits. The City Manager's designee, in consultation with the Fire Chief, shall review the issuance of all fire alarm permits.
3. Process for Issuance of Permit. Upon receipt and determination of the fifth false police alarm report or the second false fire alarm report at an address, the City Manager's designee, after review, shall then assess the alarm user for an alarm user's permit. The alarm user must submit the required permit fee to the City Manager's designee within thirty (30) working days after receipt of the assessment invoice, in order to continue to use the user's alarm system.

Any subsequent false police or fire alarm at that address shall automatically revoke that permit and the process must then be repeated. This process shall be repeated for each and every false alarm in excess of four (4) false police alarms and in excess of one (1) false fire alarm during each calendar year.

4. Duration of Permit. All permits, unless otherwise revoked, will expire at the end of each calendar year.

Section 23-2004. REQUIREMENTS AND DUTIES.

1. Letter of Contestation. After the City Manager's designee determines that a false alarm has occurred at an address, the alarm user at that address may submit a letter of contestation to the City Manager's designee to explain the cause of the alarm activation. If the City Manager's designee determines that the alarm was caused by conditions beyond the control of the alarm user, the alarm will not be counted as a false alarm at that address.
2. "False Alarms" will be excused if they are the result of an effort or order to upgrade, install, test, or maintain an alarm system and if the Police Department is given notice in advance of said upgrade, installation, test and maintenance.

Section 23-2005. PROHIBITIONS.

1. "Alarm Systems Utilizing Taping or Prerecorded Messages." No person shall install, monitor, or use and possess an operative alarm which utilizes taped or prerecorded messages which deliver a telephone alarm message to the Police or Fire Department.

Section 23-2006. PERMIT FEES.

1. The fees for alarm user's permits shall be as set forth by City Council resolution for police alarm systems and for fire alarm systems.
2. Alarm user's permits shall expire on the last day of each calendar year. Alarm user's permits shall not be required in the next calendar year until there are more than four (4) false police alarms or one (1) false fire alarm reported at the alarm user's address during the next calendar year.

Section 23-2007. REVOCATION AND SUSPENSION OF PERMIT.

1. Basis for Revocation or Suspension. In addition to the automatic revocation process described in Section 23-2003, the City Manager's designee may suspend or revoke any alarm user permit issued pursuant to this ordinance if the City Manager's designee finds that any of the following occur:
 - a. That any provision or condition of this ordinance has been violated by an alarm user or the user's agents;
 - b. That an alarm system has actuated an excess number of false alarms;
 - c. That the alarm user has knowingly made false statements in a letter of contestation;
 - d. That the alarm user has failed to correct or remove, within a reasonable period, violations of this ordinance after receipt of notice to do so.

All alleged violations defined above shall be investigated by the Police Department. The alarm user shall be given notice of the proposed revocation or suspension and be provided an opportunity to informally present evidence to the City Manager's designee prior to the final decision on revocation or suspension. Anyone aggrieved by the decision of the City Manager's designee may appeal that decision to the City Council.

Section 23-2009. CRIMINAL PENALTIES.

1. Any alarm user, who continues to use an alarm system after receiving notice of revocation or suspension by the City Manager's designee, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.
2. Any person required by this ordinance to obtain an alarm user's permit who knowingly fails to do so shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.

Section 23-2010. SEPARABILITY. Every Section, provision, or part of this ordinance is declared separable from every other Section, provision or part; and if any Section, provision or part of any ordinance shall be held invalid, it shall not affect any other Section, provision or part thereof.

AMUSEMENT DEVICES

Section 23-2101. LICENSE REQUIRED.

- A. No operator as defined herein shall keep, operate, maintain or permit to be operated or maintained upon premises within his direct or indirect control within the City of Brooklyn Center any amusement device, unless such person, firm, partnership or corporation shall have first procured a license as hereinafter provided.

Section 23-2102. DEFINITIONS.

- A. "Amusement Centers" - The operation of one or more amusement devices (except those designed for and used exclusively as rides for children) as a principal or secondary use available for use by nonemployees upon commercial premises other than those listed in Section 23-2109 Subdivision B subject to the Special Use Permit requirements of Section 35-220 of the City Ordinances.
- B. "Amusement Device" - The term amusement device as used herein means any amusement device of the following types:
1. A machine or contrivance, including "pinball" machines, electronic or video games, mechanical miniature pool tables, pool or billiard or bumper pool tables, bowling machines, shuffle boards, electric rifle or gun ranges, miniature mechanical or electronic devices and games or amusements patterned after baseball, basketball, hockey and similar games and like devices, machines, or games which may be played solely for amusement and not as a gambling device and which devices or games are played by the insertion of a coin(s) or token(s) or at a fee fixed and charged by the establishment in which such devices or machines are located.
 2. Amusement devices designed for and used exclusively as rides for children such as, but not limited to, kiddie cars, miniature airplane rides, mechanical horses and other miniature mechanical devices not operated as a part of or in connection with any carnival, circus, show, or other entertainment or exhibition.
- C. "Operator" - A person, firm, partnership or corporation which manages and/or owns premises on which one or more amusement devices are available for use by persons not employed by the operator.
- D. "Licensed Premise" - A premises upon which licensed amusement devices are used or intended for use.

Section 23-2103. APPLICATION FOR LICENSE.

- A. Operator's License. The application for an operator's license shall contain the following information:
1. Name, address, age, date and place of birth of the operator.
 2. Prior misdemeanor or felony convictions of the operator, if any, but excluding traffic violations.
 3. Prior employment experience of a supervisory nature.
 4. Address of premises where amusement device is to be displayed or operated and the primary business conducted at that premises.
 5. Owner of premises.
 6. If the interest of the operator be that of a corporation or other business entity, the names of any persons having a five percent (5%) or more interest in said business entity shall be listed.
 7. Name and address of amusement device vendor (if applicable) and a copy of lease agreement, exclusive of confidential financial information.
 8. Number and type of amusement devices to be maintained on premises.

Section 23-2104. LICENSE FEE.

- A. The annual license fee for required licenses shall be as set forth by City Council resolution. The initial license fee shall be paid in full with cash, or a certified or cashier's check, before the license is issued. Licenses shall be issued for an annual period from July 1 through June 30 for each year hereafter, provided, however, that the initial license fee for each applicant shall be prorated as of the date of the application therefore. Said application for license shall then be presented to the City Council for consideration, and if approved, the City Clerk shall issue the license to the applicant.

- B. At the time of application for an operator's license the applicant shall pay in full an investigation fee as set forth by City Council resolution. If at any time an additional investigation is required because of a change of ownership or control of a corporation or partnership previously licensed, the licensee shall pay in full an additional investigation fee as set forth by City Council resolution. Investigation fees may be paid in cash or with a personal check and are non-refundable.

Section 23-2105. INSURANCE. The operator shall also submit with his application a policy of liability insurance applicable to death or injury caused by the operation of the licensed amusement device or the premises upon which it is located in the minimum amounts of \$100,000 for injury to or death of any person or \$300,000 for one accident.

Section 23-2106. INSPECTION.

- A. Application for license shall be made in duplicate and one copy shall be referred to the City Manager or his/her designated inspector who shall investigate the location wherein it is proposed to operate such amusement device, ascertain if the applicant is a person of good moral character, and recommend either approval or disapproval of the application. No license shall be approved by the City Council until the recommendation of the City Manager has been considered.
- B. Each amusement device located in the City of Brooklyn Center shall be inspected by the City Manager's designee prior to approval for licensing, and an inspection report shall be forwarded to the City Manager. Upon notice by the operator to the City Manager's designee requesting an inspection and stating that one amusement device has been substituted for another under an existing license, pursuant to Section 23-2108 hereof, said substituted amusement device may be operated unless license therefore has been denied by the City Council.

An amusement device which is not being substituted for another pursuant to Section 23-2108 hereof, shall not be operated until notice has been given by the operator to the City Manager's designee requesting an inspection, an inspection report has been forwarded to the City Manager, and a license issued. Refusal by an operator of the right of entry to the City Manager's designee during business hours for the purpose of a scheduled inspection, a requested inspection, or an inspection made upon probable cause, shall constitute grounds for revocation of all licenses for amusement devices held by the operator.

Section 23-2107. DISPLAY OF LICENSE. The license herein provided for shall be posted permanently and conspicuously at the location of the amusement device in the premises wherein the device is to be operated or maintained to be operated.

Section 23-2108. TRANSFERABILITY.

- A. One amusement device may be substituted for another similar amusement device under a single license provided that the number of amusement devices shall not exceed the number approved under the license.
- B. Operator's licenses are issued for one location only and such licenses are nontransferable between locations.

Section 23-2109. LOCATION OF AMUSEMENT DEVICES.

- A. No amusement device shall be located, placed, maintained or operated on any public street, avenue, boulevard, lane, or alley within the City. No amusement device shall be located on private property in such a manner as to block or interfere with established driving lanes, parking places, fire lanes, exit ways or walkways nor shall an amusement device be located so that its operation will create a nuisance.
- B. Licensed amusement devices shall be allowed to be located as secondary or incidental uses in the following commercial establishments:
 - 1. establishments holding an on-sale 3.2 percent malt liquor license, an on-sale intoxicating liquor license, an on-sale wine license or an on-sale club license.
 - 2. eating establishments including eating establishments offering live entertainment, but excluding convenience food restaurants and drive-in eating establishments.
 - 3. recreation centers.
 - 4. motion picture theaters.
 - 5. bowling establishments.
 - 6. athletic clubs.
 - 7. health spas.
 - 8. hotels and motels.
 - 9. clubrooms and lodges.

10. other retail operations provided the property on which the amusement device is to be located is not within 150 feet of any residentially zoned (R1 through R7) property.
- C. Amusement centers shall be subject to the provisions of Section 35-220 of the City Ordinances provided the property on which the amusement center is to be located is not within 150 feet of any residentially zoned (R1 through R7) property.
- D. Licensed amusement devices designed for and used exclusively as rides for children may be located in any place or upon any premises approved by the City Council.

Section 23-2110. USE FOR GAMBLING. It shall be unlawful for the owner of any amusement device, or for the owner or operator of any establishment where it is located, to knowingly permit the same to be used for gambling or for the making of bets or wagers.

Section 23-2111. PAYOFFS. It shall be unlawful for the licensee or for the owner or operator of the establishment where any amusement device is located to give any money as a reward or prize for the playing of the amusement device. It shall be unlawful for the licensee or for the owner or operator of the establishment where any amusement device is located to give any token, merchandise or any other thing with a wholesale value of more than \$1 as a reward or prize for the playing of the amusement device.

Free games maybe awarded for the playing of the amusement device, but not in conjunction with the awarding of any prize, token, or merchandise as defined herein. All free games so registered shall be played on the device registering such free game. There shall be no mechanism on the amusement device whereby the operator can cancel registered free games.

Section 23-2112. AUTOMATIC PAYOFFS. It shall be unlawful for any person to keep, maintain, sell or permit to be operated any amusement device which has been converted into an automatic payoff device which automatically awards any money, or any prizes, tokens, merchandise, gifts or anything with a wholesale value of more than \$1 to the player of such amusement device, provided, however, that free games may be awarded, but not in conjunction with such prizes. It shall be unlawful to convert any amusement device into an automatic payoff device.

Section 23-2113. DESTRUCTION OF ILLEGALLY OPERATED MACHINES. Any amusement device knowingly used by the owner in violation of Section 23-2110, 2111 or 2112 of this ordinance may be seized and destroyed in compliance with the provisions of the Statutes of the State of Minnesota relating to gambling devices.

Section 23-2114. CERTAIN AMUSEMENT DEVICES NOT LICENSED. The licensing provisions of this ordinance shall not apply to any of the following amusement devices:

1. Any amusement device held or kept for sale or storage and which is not actually in use or displayed for use.
2. Any amusement device used for private, noncommercial purposes such as home use.
3. Any amusement device located on commercial or industrial premises in lunch rooms, break rooms, employee cafeterias or recreation rooms which is provided for employees use and not available for use by the general public.
4. Any amusement device located in a recreation center or recreation room in a multiple-family or townhouse residential complex which is provided for use by residents and their guests and is not available for use by the general public.

Section 23-2115. AMUSEMENT DEVICES – RESTRICTIONS AND LICENSE REVOCATION.

A. It shall be the responsibility of the operator:

1. To prevent the harassment of any person in or adjacent to the licensed premises by patrons of the licensed premise;
2. To provide adequate and unobstructed ingress, egress and parking areas adjacent to the licensed premise;
3. To prevent the frequenting and the use of the licensed premises by loud, boisterous and disruptive persons;
4. To prevent the frequenting and the use of the licensed premises by persons who engage in acts of vandalism and destruction of property in and about and adjacent to the licensed premise;
5. To prevent conduct by patrons of the licensed premises which has an adverse effect on adjacent property;
6. To maintain order on the licensed premises at all times;
7. To ensure that the licensed premises does not become overcrowded so as to constitute a hazard to the health or safety of persons, or so as to exceed the maximum number of persons permitted therein by order of the City Manager;

8. To provide full-time adult supervision upon the licensed premises during business hours;
 9. To ensure that each amusement device on the licensed premises has been licensed pursuant to this ordinance and that the license is posted in a conspicuous place on the licensed premise.
 10. To comply with the provisions of Section 19-305 of the City Ordinances.
- B. It shall be unlawful for any operator to operate the licensed premises so as to constitute a public nuisance under City Ordinances, Statutes of the State of Minnesota, or the Common Law.
- C. It shall be unlawful for any operator to sell, offer for sale, knowingly permit to be sold or offered for sale, to be dispensed or consumed, or to permit to be brought into the licensed premise, any alcoholic beverage or controlled substance defined in Chapter 152 of Minnesota Statutes, or to knowingly permit any illegal activity on the licensed premises without immediately notifying the Brooklyn Center Police Department of such illegal activity, provided, however, that the prohibitions in this Section regarding alcoholic beverages shall not apply to licensed liquor establishments as set forth in Section 23-2109 B (1).
- D. Every operator in making application for a license hereunder, acknowledges that the license is a personal privilege and does not constitute property, and is not transferable.
- E. Any violation of this ordinance, or any failure to comply with any provisions of this ordinance, or any failure to comply with any conditional restriction of any special use permit issued with respect to the licensed premise, is hereby deemed to be adequate grounds for revocation of the license for all amusement devices on the licensed premise.

Section 23-2116. SEVERABILITY. If any part of this ordinance shall be adjudged to be invalid by a court of competent jurisdiction, such judgment or decree shall not affect or impair the remainder of this ordinance.

Section 23-2117. PENALTY. Any person who violates or fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed \$1,000 or imprisonment for a period not to exceed ninety (90) days or both, together with the costs of prosecution. Such penalty may be imposed in addition to revocation or suspension of license.

The licensee under this ordinance, whether or not he is in direct control of an amusement device described in Section 23-2102 hereof, or the premises upon which said amusement device is located, may be charged under this ordinance for any violation thereof, by virtue of his in direct control of said amusement device and premises, resulting from his being the licensee.

CURRENCY EXCHANGES

Section 23-2201. LICENSE REQUIRED; DEFINITION. No person shall engage in the business of currency exchange within the City of Brooklyn Center without a license as provided by Minnesota Statutes, Chapter 53A. The term "Currency Exchange" has the meaning given in Minnesota Statutes, Section 53A.01, Subdivision 1.

Section 23-2202. ACTION ON REFERRAL FROM COMMISSIONER.

- A. Upon referral of an application for a currency exchange license from the Commissioner of Commerce and upon completion of statutory procedures for the consideration thereof, the Council may approve the application, decline to act (in which case concurrence will be presumed by operation of law), or disapprove the application. If the application is disapproved, the Council shall state its reasons therefore. Notice of disapproval may be communicated to the Commissioner of Commerce before the completion of a resolution stating such findings when necessary to avoid a presumption of concurrence.
- B. Disapproval of an application may be based on one or more of the following grounds, in addition to any other ground allowed by law:
 - 1. Violation of any provision of the state currency exchange law contained in Minnesota Statutes, Chapter 53A.
 - 2. The applicant is not at least eighteen (18) years of age.
 - 3. The applicant is not the real party in interest in the application.
 - 4. The location of the business for which a new currency exchange license is sought is within one-half mile of an existing currency exchange licensed by the state.
 - 5. The applicant or its proposed business location does not comply with applicable zoning, building, fire, and health codes.
 - 6. The license or permit was procured by misrepresentation of material facts, fraud, deceit, or bad faith.
 - 7. The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.
 - 8. The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

9. (a) The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated or performed any act which is a violation of, any of the provisions of these Chapters or of any Statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;
- (b) The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes, Chapter 364; or
- (c) The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.
10. The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure, or endanger the safety, health, morals, comfort, or repose of any considerable number of members of the public.
11. The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults, or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes Sections 609.342 through 609.3451; sexual abuse, physical abuse, or maltreatment of a child as defined in Minnesota Statutes, Section 626.556, Subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes, Sections 609.02, Subdivision 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes, Section 626.557, Subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange, or barter of a controlled substance as defined in Minnesota Statutes, Chapter 152; the possession of a controlled substance as defined in Minnesota Statutes, Chapter 152, in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of good moral character or fitness required to engage in a licensed activity, business, or profession.

12. The applicant or someone acting on his or her behalf or under the applicant's direction or control has violated any of the provisions of Section 23-2203.

- C. Persons and Corporations. If an applicant is a partnership, the application may be denied if there is a basis for denial as to any partner. If the applicant is a corporation, the application may be denied if there is a basis for denial as to any (i) shareholder holding more than five (5) percent of the outstanding or issued stock of the corporation, or (ii) officer or director of the corporation, or (iii) employee of the enterprise having policy or management control over the enterprise.

Section 23-2203. RESTRICTIONS. All Currency Exchanges shall be operated and maintained in accordance with the requirements of state law and of this Section:

- A. The business may not be advertised with back lighted signs or awnings, roof signs, portable signs, temporary signs, or freestanding signs. Window signs shall not exceed thirty (30) percent of the window area and shall not block views into the building at eye level.
- B. The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.
- C. For new construction, at least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into the building at eye level.
- D. The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
- E. The premises, all adjacent streets, sidewalks, and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- F. The business premises shall not be so equipped as to enable employees to activate remote locking mechanisms to lock in patrons, customers, or others.
- G. The licensee shall not engage in street solicitation for the business or distribute handbills within three hundred (300) feet of the licensed premises.
- H. The licensee shall not give away cigarettes or liquor to customers either free or in connection with a check cashing transaction.

- I. The business premises shall not be located within 300 feet of, or in the same building as, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses: a school, day care center, church, hospital, on-sale liquor establishment, halfway house, theater, residence, pawnshop, secondhand goods dealer, tattoo establishment, body piercing establishment, massage parlor, sauna, or another currency exchange.

Section 23-2204. SEVERABILITY. If any part of this ordinance shall be adjudged to be invalid by a court of competent jurisdiction, such judgment or decree shall not affect or impair the remainder of this ordinance.

Section 23-2205. PENALTY. Any person who violates or fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed \$1,000 or imprisonment for a period not to exceed ninety (90) days or both, together with the costs of prosecution. Such penalty may be imposed in addition to a decision by the Council to disapprove applications for new licenses or license renewals.

TATTOO AND BODY ART AND PIERCING ESTABLISHMENTS

Section 23-2301. LOCATION OF TATTOO AND BODY ART AND PIERCING ESTABLISHMENTS. The purpose of this Section is to regulate the location of tattoo and body art and piercing establishments licensed pursuant to Minnesota Statutes, Chapter 146B, in order to protect the general health, safety, and welfare of the community.

- A. No tattoo or body art or piercing establishment shall be located on property that is not properly zoned or does not qualify as a legal nonconforming use for such establishment.
- B. No tattoo or body art or piercing establishment shall be located on premises licensed to furnish alcoholic beverages.
- C. No tattoo or body art or piercing establishment shall be located on the premises of an adult establishment pursuant to Section 35-2182.
- D. No tattoo or body art or piercing establishment shall be located on premises within 300 feet of, or in the same building as, or on the same legally subdivided lot, piece, or parcel of land as any of the following uses: a church, school, day care center, hospital; on-sale liquor establishment, halfway house, currency exchange operation, theater, residence (except as allowed under state law), pawnshop, secondhand goods dealer, massage parlor, sauna, or another tattoo or body art or piercing establishment.

Section 23-2302. PENALTY. Any person violating Section 23-2301 is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by law.

HOSPITALITY ACCOMMODATIONS

Section 23-2400. PURPOSE. It is the purpose of these Sections 23-2400 through 23-2415 to ensure that hotels and motels (referred to collectively in these Sections as a “hospitality accommodation”) are complying with certain minimum standards and are implementing measures as may be needed to discourage the use of their facilities for criminal activities in order to protect the safety of their guests and the public. Those owning and operating hospitality accommodations in the City have a responsibility to ensure their guests and visitors have accommodations that are safe, secure, free from unreasonable noise, nuisances, and threats to their safety and security.

Section 23-2401. LICENSE REQUIRED. It is unlawful for any person, firm, or corporation to operate a hospitality accommodation in the City without a hospitality

accommodation license issued pursuant to Sections 23-2400 through 23-2415. A separate license is required for each hospitality accommodation property.

Section 23-2402. DEFINITIONS

- A. “Annual calls for service” – The aggregate total of all the points, specified in Section 23-2404(E), assigned to the calls for service to a hospitality accommodation property in a calendar year divided by the total number of lodging units in the hospitality accommodation as determined by the City.
- B. “Call for service” – Includes any of the following:
 - 1. Any report made to the police department of criminal activity or violation of the city code requiring a police response from or concerning a hospitality accommodation in connection with an incident occurring at that hospitality accommodation property, except calls of domestic assault; or
 - 2. Any incident observed by police concerning a hospitality accommodation property and is responded to by a police officer.

Only a call for service that is verified by the responding police officer as being a valid call for service shall be included in the annual calls for service calculation for the purposes of these Sections 23-2400 through 23-2415.

- C. “Hospitality accommodation” – Any facility such as a hotel, motel, condominium, resort, or any other facility or place offering six or more lodging units to guests for periods of less than thirty days, but not including jails, hospitals, care facilities, senior living centers, residential treatment facilities, prisons, detention homes, and similar facilities.
- D. “Hospitality accommodation property” – Any land containing a facility for hospitality accommodation including any associated parking areas, recreation areas, loading areas, or other amenities located on the same parcel of property.
- E. “Hospitality accommodation license” or “license” – A license issued by the City to a level I hospitality accommodation, a level II hospitality accommodation, or a level III hospitality accommodation.
- F. “Level I hospitality accommodation” – Any hospitality accommodation whose annual calls for service are less than .20 calls per lodging unit.
- G. “Level II hospitality accommodation” – Any hospitality accommodation whose annual calls for service are at least .20 calls per lodging unit, but less than .40 calls per lodging unit.

- H. “Level III hospitality accommodation” – Any hospitality accommodation whose annual calls for service are at least .40 calls per lodging unit or greater.
- I. “Lodging unit” – One self-contained unit within a hospitality accommodation designated by number, letter, or some other method of identification that is designed or used for overnight accommodations. A lodging unit shall not include areas or rooms not utilized for overnight accommodations such as banquet rooms, meeting rooms, business centers, pool areas, and workout rooms.
- J. “Part 1 crime” – Any crime identified in the Uniform Crime Reporting Program as a Part 1 crime, but which does not constitute a “violent crime” as defined in this Section. Part 1 crimes include, but are not necessarily limited to, theft, auto theft, burglary, or arson (first, second, or third degree).
- K. “Police department” – The City of Brooklyn Center Police Department.
- L. “Property safety inspection” – An annual inspection of level II and level III hospitality accommodations conducted by the City based on a hospitality accommodation inspection checklist developed by the City and adopted by the City Council.
- M. “Violent crime” – Is any homicide (any degree), robbery, criminal sexual conduct (first, second, or third degree), or assault (first, second, or third degree).

Section 23-2403. RESTRICTIONS ON ISSUING LICENSES. A hospitality accommodation license shall not be issued or renewed if any of the following circumstances exist:

- A. The applicant submits an incomplete license application or fails to submit the required application fee;
- B. The applicant is untruthful in any of the information provided to the City as part of its request for a license;
- C. The hospitality accommodation is not in compliance with the requirements associated with the particular license level applicable to the hospitality accommodation;
- D. The applicant has failed to correct any violations noted in a correction order issued as a result of safety inspection required under Section 23-2412; or

- E. The hospitality accommodation property is not in compliance with any applicable federal, state, or local law, rule, regulation, or ordinance.

Section 23-2404. LICENSING PROCESS AND RENEWAL. The level of a hospitality accommodation license shall be determined and the licensed shall be issued in accordance with this Section.

- A. A new hospitality accommodation shall obtain a hospitality accommodation license from the City prior to opening for business. A new hospitality accommodation that had not previously operated within the City shall initially qualify for a level I hospitality accommodation license. The City may charge a reduced license fee for a new hospitality accommodation license based on the number of months remaining in the particular licensing period.
- B. The annual renewal of a hospitality accommodation license shall be in accordance with the following timelines:
1. By February 1st the City shall notify each existing hospitality accommodation in writing of its annual calls for service for the previous year and the level of hospitality accommodation license for which it must apply;
 2. By April 1st each hospitality accommodation shall submit to the City a complete application for the appropriate level of license;
 3. By May 1st each hospitality accommodation must obtain the required level of hospitality accommodation license from the City; and
 4. By June 1st each hospitality accommodation shall be in full compliance with any conditions placed on the license by the City Council, unless a different compliance date is indicated in the license or a provisional license is issued because of change in licensing levels.
- C. The City Council shall issue a hospitality accommodation license upon submission of a complete application, payment of applicable fees, compliance with the applicable special requirements, compliance with any correction orders, and proper licensing with all applicable government agencies, including the Minnesota Department of Health.
- D. If a hospitality accommodation is required, based on its annual calls for service, to transition to a stricter licensing level, the City Council may issue a provisional license to allow additional time for the hospitality accommodation

to come into compliance with the additional special requirements applicable to the new level. The hospitality accommodation is required to come into full compliance with the requirements applicable to the new license level and any additional conditions placed on the license by the City Council by the date indicated in the provisional license. The City shall conduct an inspection and if it determines the hospitality accommodation has complied, the license automatically becomes a regular license for the particular license level without further action by the City. If the hospitality accommodation is not in compliance by the date indicated, the provisional license shall terminate unless the City Council acts to extend it. Any such extension approved by the City Council shall be subject to any additional conditions the City Council may place on the license.

- E. The following scale shall be used to calculate the number of points assigned to a hospitality accommodation for the calls of service to determine the level of license the hospitality accommodation is required to obtain.

Type of Call for Service	Points
Violent crime	5 Points
Part 1 crime	3 Points
Any other call for service	2 Points

If an employee of the hospitality accommodation originated the call for service, the number of points assigned to the particular call for service shall be reduced by one point.

- F. To determine the type of hospitality accommodation licenses required, the City shall divide the annual calls for service at a hospitality accommodation, calculated using the point system set out in paragraph E of this Section, by the total number of lodging units in the hospitality accommodation.
- G. A hospitality accommodation may be subject to a property safety inspection as provided in Section 23-2412 and any such hospitality accommodation shall comply with any correction orders issued as a result of the inspection.
- H. Failure of a hospitality accommodation to comply with the requirements applicable to the license level, any additional conditions issued by the City Council, or a correction order shall constitute sufficient grounds for the revocation, suspension, or nonrenewal of the hospitality accommodation license.

Section 23-2405. LICENSE FEE. The fee for a hospitality accommodation license shall be as set forth by City Council resolution. The City Council may establish a separate fee for each licensing level.

Section 23-2406. LICENSE PERIOD. All hospitality accommodation licenses shall expire on April 30 each year and must be renewed in accordance with Section 23-2404.

Section 23-2407. TRANSFER OF LICENSES. A hospitality accommodation license may be transferred to a new owner of a hospitality accommodation continuing to operate on the same hospitality accommodation property for which the license was issued. The transfer shall not affect the current license level and the calls for service that occurred prior to the transfer shall be used in calculating the license level at renewal. Written notice of the transfer shall be provided to the City within ten business days after the transfer. The notice shall include the name and address of the person, firm, or corporation taking ownership or control of the hospitality accommodation. A hospitality accommodation license shall not be transferred or relocated to a hospitality accommodation located on a different site.

Section 23-2408. LEVEL I HOSPITALITY ACCOMMODATION. A level I hospitality accommodation is required to meet the special requirements in this Section, which constitute the minimum performance standards for all hospitality accommodations.

- A. Have clear check-in policies that, at a minimum, require all guests reserving or renting a room to use a credit card to guarantee the reservation or rental.
- B. Provide and keep a register for the registration of all guests, and every guest must be registered. Upon the arrival of each guest, the operator of the hospitality accommodation must require the guest to provide the name and home address of the guest and every person with the guest as a member of the party, and if the guest is traveling by motor vehicle, the make of the vehicle and license plate number, including the name of the state or country issuing the license plate. The method of payment must be noted as part of the registration information. The registration information must be recorded in the guest register and kept in an accurate and orderly manner. The guest register must be retained for one year and made available for inspection by the City upon reasonable request.
- C. Work cooperatively with the City to provide training no less than annually to all staff members directly involved in registering guests and housekeeping staff.
- D. Provide the City the name, address, e-mail address, and telephone number of the president, vice-president, secretary, and treasurer of the ownership group of the hospitality accommodation.
- E. Provide the City the name, e-mail address, and telephone number of all managers and other responsible employees of the hospitality accommodation.

- F. Require a manager or other responsible employee to be on premises of the hospitality accommodation property at all times.
- G. Inspect rooms of guests who refuse housekeeping service for three consecutive days or who behave suspiciously in a manner staff reasonably suspect, based on training and experience, may be engaged in unlawful activity.

Section 23-2409. LEVEL II HOSPITALITY ACCOMMODATION. A level II hospitality accommodation is required to meet the special requirements required of a level I hospitality accommodation and the additional special requirements in this Section, which are designed to deter crime, in order to be eligible for a hospitality accommodation license, and shall comply with any conditions the City Council may impose on the license.

- A. Submit a management plan to the City detailing steps the hospitality accommodation intends to take to reduce criminal activity.
- B. Consult with the police department to obtain such inspection services and advice regarding crime prevention as may be needed to address the types and calls for service made to the hospitality accommodation property.
- C. Consult with the police department to keep apprised of police activity occurring on the hospitality accommodation property.
- D. Install and operate a surveillance camera, with a recorder, in the lobby at all times.
- E. Consult with the police department to undergo a “crime prevention through environmental design” (CPTED) inspection and incorporate the findings into the hospitality accommodation property.
- F. Issue parking passes to all vehicles allowed to park on the hospitality accommodation property, each pass marked with an issued date and expiration date.
- G. Submit to semi-annual audits by the City to verify compliance with the requirements of this Section.

Section 23-2410. LEVEL III HOSPITALITY ACCOMMODATIONS. A level III hospitality accommodation is required to meet the special requirements of a level II hospitality accommodation, and including those applicable to a level I hospitality accommodation, and the additional special requirements in this Section, which are designed to deter crime, to be eligible for a hospitality accommodation license, and shall comply with any conditions the City Council may impose on the license.

- A. Conduct background checks on all owners, managers, and employees of the hospitality accommodation in accordance with Section 23-2411.
- B. Enforce the following guest rules:
 - 1. Lodging units cannot be rented for less than a six-hour period;
 - 2. Prohibit guests from producing loud noises that unreasonably disturb the tranquility of the other guests or those adjacent to the hospitality accommodation property; and
 - 3. Alcohol may not be consumed in common areas except for designated banquet or reception rooms or areas.
- C. Remove all graffiti and repair all vandalism within seven days of occurrence.
- D. Install lighting in all common areas with minimum maintained lighting of 1.5 foot-candles at ground level.
- E. Install and continually operate video monitoring equipment in all parking lots on the hospitality accommodation property that are monitored and recorded at the front desk at all times.
- F. Have a licensed, armed, and uniformed security guard on the premises every day from 6:00 p.m. until 6:00 a.m.

Section 23-2411. BACKGROUND CHECKS.

- A. A hospitality accommodation required to conduct background checks on its owners, managers, and employees, such background checks must comply with and include the following:
 - 1. A Minnesota statewide criminal history check covering at least the last three years, which must be conducted by a company providing criminal history check services utilizing the most recent update of the Minnesota criminal history files;
 - 2. A statewide criminal history check from the person's previous states of residence covering the last three years if the person has not resided in Minnesota for at least the three years preceding the history check; and
 - 3. A criminal history check conducted in all seven counties in the Twin Cities metropolitan area (the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) covering at least the last

three years, including all misdemeanor, gross misdemeanor, and felony convictions.

- B. The hospitality accommodation shall retain the criminal history check information for the duration of the person's employment, but in no case less than two years, and shall make the information available for inspection upon request by the City Manager or the City Manager's designee.

Section 23-2412. PROPERTY SAFETY INSPECTION. The City shall conduct property safety inspections in accordance with the provisions of this Section.

- A. The City shall annually conduct a property safety inspection of all level II and level III hospitality accommodations for the purpose of enforcing the property maintenance code and the standards in this Section. The property safety inspection is required prior to the issuance of a level II or level III hospitality accommodation licenses. The City may at all reasonable times enter and inspect all lodging units, common areas, and operational areas of the hospitality accommodation. Except when otherwise authorized by law or in an emergency, the City shall not inspect an occupied lodging unit without the consent of the occupant.
- B. Property safety inspections shall include the following:
 - 1. At least 15% of all lodging units in the hospitality accommodation shall be inspected. The City shall determine which lodging units to inspect and shall rotate the lodging units inspected to ensure all lodging units will be inspected periodically;
 - 2. All common areas and operational areas of a hospitality accommodation shall be inspected as part of each property safety inspection; and
 - 3. The inspection shall be based on a hospitality accommodation inspection checklist and the City shall inspect each item on the list during each inspection.
- C. Any violations found during the property safety inspection shall be corrected in the timeframe established in the correction order issued by the City. The City shall conduct a reinspection of the hospitality accommodation to confirm compliance with the correction order. Failure to correct any of the violations

noted in a correction order within the established timeframe may result in the suspension, revocation, or nonrenewal of the hospitality accommodation license as provided in Section 23-2413.

Section 23-2413. REVOCATION AND SUSPENSION OF LICENSE. A hospitality accommodation license may be revoked, suspended, or not renewed by the City Council, upon recommendation of the City Manager, in accordance with this Section.

- A. The City Council may revoke, suspend, or not renew a hospitality accommodation license upon any of the following grounds:
 - 1. A false statement, misrepresentation, or fraudulent statement on any application or other information or report required by these Sections 23-2400 through 23-2415;
 - 2. Failure to pay the application fee, fine, penalty, reinstatement fee, special assessment, real estate taxes, or other financial claim due to the City under this Code;
 - 3. Failure to comply with any of the special requirements applicable to the level of license held by the hospitality accommodation;
 - 4. Failure to comply with any of the conditions placed on the license by the City Council;
 - 5. Failure to comply with any part of a correction order resulting from a property safety inspection within the timeframe indicated in the order;
 - 6. Failure to continuously comply with any zoning, health, building, nuisance, or other Code requirements;
 - 7. Failure to obtain or maintain any licenses required for the hospitality accommodation; or
 - 8. Failure to comply with any other applicable federal, state, or local law, rule, regulation, or ordinance.
- B. A decision to revoke, suspend, or not renew a hospitality accommodation license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity to request a hearing before the City Council before final action is taken to revoke, suspend, or not renew the license. An applicant or licensee waives its right to a hearing if it fails to submit a written request for a hearing to the City within ten days of the issuance of the written notice. If a timely request for a hearing is received, the City Council shall conduct a hearing at

the next regularly scheduled City Council meeting and provide the applicant or licensee an opportunity to be heard.

- C. The written decision to revoke, suspend, or not renew a hospitality accommodation license shall identify the specific grounds for the decision. Upon issuance of the written decision, no lodging unit within the hospitality accommodation may be offered or used for any period of time by guests until a new hospitality accommodation license is issued in accordance with Section 23-2414.

Section 23-2414. REAPPLICATION AFTER LICENSE ACTION. Reapplication for a hospitality accommodation license after the City Council has revoked, suspended, or not renewed a license shall be in accordance with this Section.

- A. A hospitality accommodation license may be suspended for up to ninety (90) days and may, after the period of suspension, be reinstated subject to compliance with these Sections 23-2400 through 23-2415 and any conditions imposed by the City Council at the time of suspension.
- B. A hospitality accommodation license revoked or not renewed by the City Council will not be reinstated or issued until the owner has applied for and secured a new hospitality accommodation license and complied with all conditions imposed at the time of revocation or nonrenewal. The City Council may impose a period following the revocation or nonrenewal of the owner's previous license during which a new hospitality accommodation license may not be submitted. A decision not to renew a hospitality accommodation license may take the form of a suspension or revocation.
- C. An application for a new hospitality accommodation license following the revocation, suspension, or nonrenewal of the license must be accompanied by a reinstatement fee, as specified by City Council resolution, in addition to all other application and related fees.
- D. The conditions of approval of any subsequent application for a license to operate a hospitality accommodation on the same property following a period of revocation or denial of renewal of a hospitality accommodation license shall be based upon the hospitality accommodation property's history of annual calls for service prior to the revocation or non-renewal.
- E. No subsequent application for a hospitality accommodation license on the same property following a period of revocation or nonrenewal shall be approved unless the applicant presents a corrective action plan that is approved by the City to help ensure the conditions and causes of the prior revocation or nonrenewal are appropriately addressed. Implementation of,

and compliance with, the corrective action plan shall be a condition of the license.

Section 23-2415. VIOLATIONS.

- A. Any person, firm, or corporation who violates any provision of these Sections 23-2400 through 23-2415 is, upon conviction, guilty of a misdemeanor. The penalty that may be imposed for a misdemeanor is a sentence of not more than 90 days or a fine of not more than \$1,000, or both. Each day upon which a violation of these Sections 23-2400 through 23-2415 occurs constitutes a separate offense.
- B. In lieu of issuing a criminal citation, the City may issue an administrative citation and impose a civil penalty on any person, firm, or corporation who violates any provision of these Sections 23-2400 through 23-2415.
- C. Any person required to register at a hospitality accommodation who intentionally presents false identification, provides a false or assumed name, or otherwise provides false guest register information is guilty of a misdemeanor.
- D. Nothing in this Section shall be construed as a waiver of any applicable state license requirements or from compliance with all applicable civil and criminal laws.

FILMING ACTIVITIES AND COMMERCIAL PHOTOGRAPHY

Section 23-2500. PURPOSE AND OBJECTIVES. The purpose of Sections 23-2500 through 23-2511 is to establish standards to protect the health, safety and general welfare of the public, including the safeguarding of public resources, from the undesirable effects associated with filming activities and commercial photography.

Section 23-2501. DEFINITIONS. For purposes of Sections 23-2500 through 23-2511, the following terms shall have the meanings given them in this Section.

- A. “City Manager” – The City Manager of the City, or its designee.
- B. “Commercial Photography” – All activities associated with the production of still photography for which a fee is charged for the use, reproduction or showing of the product of said photography.
- C. “Filming Activities” – The commercial filming of a feature film, television or internet video, documentary, music video, television commercial, or other video advertisement, whether on film, video, or digital media, and all activities associated therewith, including the erection or placement of film sets, film trailers or campers, lighting, or other filming related structures, equipment or personnel.
- D. “Permit” – A permit issued to engage in filming activities, commercial photography, or both, as required by Section 23-2502.

Section 23-2502. PERMIT REQUIRED; EXCEPTION.

Subdivision 1. Unless exempt by this Section, it is unlawful for any person to conduct, establish, or engage in filming activities or commercial photography within a public right-of-way or on any city-owned property without first obtaining a permit from the City.

Subdivision 2. A permit is not required for commercial photography which does not:

- A. Require the use or expenditure of any City resources;
- B. Inhibit the free flow of lawful traffic and pedestrians on any public right-of-way;
- C. Cause any damage to City-owned facilities or property; and

- D. Otherwise endanger the health or safety of the general public shall be exempt from this permit requirement.

Section 23-2503. CONTENTS OF APPLICATION. Any person desiring a permit shall make application on a form provided by the City Manager. The applicant shall set forth:

- A. The project name;
- B. The applicant's name, telephone number, email address, and mailing address;
- C. A photocopy of the applicant's valid photo ID;
- D. The name and contact information of the producer (if the applicant is not the producer);
- E. The dates, times and locations of the activities for which a permit is being requested, and a general description of the filming activities and commercial photography that will take place at each location;
- F. Whether or not artificial lighting will be used;
- G. A description of any special effects that will be used;
- H. A description of all equipment that will be used;
- I. A description of proposed parking areas, requested street and sidewalk closures, and outdoor staging areas;
- J. A description of the proposed use of City facilities, equipment and personnel;
- K. An estimate of personnel and equipment needed for crowd control, security, traffic control, and other public safety measures;
- L. A certified traffic control plan if public roads or sidewalks will be obstructed; and
- M. A description of any special concerns that the applicant or producer wants the City to be aware of.

Section 23-2504. FEES; ADDITIONAL COSTS. The fee for a permit shall be in the amount set forth in the City's fee schedule. The applicant shall also pay all of the City's costs and expenses incurred in connection with the permitted activities including, but not be limited to, rental of City-owned property, actual costs for City staff time or City equipment, and repair of any damage to public rights-of-way or other publicly-owned property. Based upon the information contained in the permit application, the applicant shall deposit with the

City a prepaid estimate of the City's costs and expenses, as determined by the City Manager. At the conclusion of the permitted activities, any of the City's costs below or in excess of the estimate will be either refunded by the City or paid by the applicant, as the case may be. A portion of the fees may be waived by the City for Brooklyn Center students involved in filming or photography projects.

Section 23-2505. GENERAL REQUIREMENTS. The City Manager will not issue a permit unless it is determined that:

- A. The filming activities or commercial photography will not endanger the public health, safety, morals or general welfare;
- B. The filming activities or commercial photography will not cause undue traffic hazards, congestion or parking shortages in the city;
- C. The filming activities or commercial photography request does not exceed the capacity of the City to provide the requested services or interrupts the ability of the City to provide its routine services.
- D. The filming activities or commercial photography will not result in damage to parks, streets, rights-of-way, or any other property not belonging to the applicant;
- E. No filming activities and commercial photography permit has been recently issued for a location within 300 feet of the location described in the application. The City Manager may waive this requirement if it is determined that the purpose and objectives of Sections 23-2500 through 23-2511 will be furthered by the issuance of a new permit, though may require that the applicant submit evidence demonstrating that properties located in the vicinity of the location proposed will not be adversely affected by the issuance of a new permit; and
- F. All other requirements of Sections 23-2500 through 23-2511 are met.

Section 23-2506. CONDITIONS AND RESTRICTIONS OF PERMIT. The City Manager may impose conditions and restrictions upon the permit holder, as deemed necessary for the protection of the public interest and properties and to ensure compliance with the requirements of the City Code. Said conditions and restrictions may include, but shall not be limited to, the following:

- A. Submitting evidence that a notice describing the proposed filming activities and commercial photography, including the proposed dates thereof, has been mailed to all affected property owners. If so required, the notice shall be mailed following the issuance of the permit but not less than five days prior to the date of permitted activities;

- B. Contacting the Brooklyn Center Police Department to discuss safety and security measures;
- C. Employing its own security personnel;
- D. Using only designated streets and parking areas;
- E. Promptly restoring all public property, streets, sidewalks and rights-of-way to at least their original condition;
- F. Promptly undertaking and completing all filming and related activities within permitted timelines; and
- G. Any other conditions or restrictions deemed necessary to further the intent of Sections 23-2500 through 23-2511.

Section 23-2507. REVIEW PROCESS; APPEAL. Applications for permits shall be reviewed and either approved or denied by the City Manager. An applicant aggrieved by the City Manager's decision may appeal to the City Council. Written notice of the appeal must be given to the City Manager within 10 days of the City Manager's decision and must summarize the applicant's reasons for appealing. The Council shall consider the appeal at the next regularly scheduled City Council meeting on or after 10 days from service of the notice of appeal to the City Manager.

Section 23-2508. INSURANCE; INDEMNITY. The City Manager may require that the applicant file a public liability insurance certificate, issued by an insurance company authorized to do business in the State of Minnesota. The policy shall insure the applicant and name the City as an additional insured in the sum of not less than \$300,000. Certain elements or activities may require greater coverage, if determined necessary by the City Manager. The City Manager may also require that the applicant sign an indemnification agreement, indemnifying the City and holding it harmless from any loss, cost, damage and expense arising out of the use of any premises for filming activities or commercial photography.

Section 23-2509. SECURITY. The City Manager may require that the applicant post financial security in the form of a surety bond or other form acceptable to the city as a condition to the issuance of a permit. If so required, the applicant shall file with the City the required security in the amount and form required by the City Manager. If a letter of credit is used to provide the security, it shall be irrevocable and unconditional, issued by a federally insured bank, and shall otherwise be on terms approved by the City Manager. The security shall be conditioned on compliance by the applicant with the City Code, payment to the City of all fees, expenses, fines and penalties required by state or local law, and payment to the City of any damages the City may sustain by reason of the permitted activities.

Section 23-2510. TRAFFIC CONTROL PLAN; STREET CLOSURES.

- A. A full street closure will not be permitted unless the application or change request is submitted at least five business days prior to the closure. The applicant may further be subject to a \$500 fee per street closed.
- B. Applicants shall furnish and install advance warning signs as requested by the City and in conformance with any requirements imposed by the Minnesota Department of Transportation (MNDOT). All appropriate safety precautions shall be taken by the applicant.

Section 23-2511. SUSPENSION OR REVOCATION. The City Manager may suspend or revoke a permit if the permittee fails to:

- A. Comply with the requirements of these Sections 23-2501 through 23-2511;
- B. Comply with any condition placed on the permit;
- C. Provide security in the required amount and form; or
- D. Conduct the filming activities or commercial photography in a way that does not endanger the public health, safety, morals or general welfare.